

# FEDERAL REGISTER



VOLUME 21

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## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### PART 1003—DOMESTIC DATES PRODUCED OR PACKED IN LOS ANGELES AND RIVERSIDE COUNTIES OF CALIFORNIA

##### AMENDMENT OF ADMINISTRATIVE RULES AND REGULATIONS

Notice was published in the July 10, 1956, issue of the *FEDERAL REGISTER* (21 F. R. 5113) that the Secretary of Agriculture was considering a proposed rule to approve an amendment, as set forth in such notice, of the amended administrative rules and procedures (20 F. R. 6486; 20 F. R. 7988) issued pursuant to the applicable provisions of Marketing Agreement No. 127 and Marketing Order No. 103 (20 F. R. 5056) (hereinafter referred to as "agreement and order") regulating the handling of domestic dates produced or packed in Los Angeles and Riverside Counties of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice opportunity was afforded any interested person to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the period provided therefor has now expired.

After consideration of pertinent available information, it is concluded that the proposed amendment of the amended administrative rules and regulations as set forth in the aforesaid notice would tend to effectuate the declared policy of the said act and should be approved.

Therefore, it is hereby ordered, That the aforesaid administrative rules and regulations be further amended by inserting a new heading "Interpretations" between the present headings "Definitions" and "General", and adding § 1003.106 under "Interpretations," as follows:

§ 1003.106 *Marketable dates.* The term "marketable dates", as defined in § 1003.12, is hereby interpreted to mean whole or pitted dates which are certified as equal to or higher than the minimum standards prescribed in or pursuant to the provisions of § 1003.39.

It is hereby found that delaying the effective date of this order for thirty days or any lesser period after its publication (see section 4 (c) of the Administrative Procedures Act; 5 U. S. C. 1001 et seq.) is impracticable, unnecessary, and contrary to the public interest in that the interpretation provided in this document must apply with respect to regulations which are now being developed for the 1956-57 crop year which begins August 1, 1956. The Date Administrative Committee and handlers under the marketing agreement and order are generally familiar with the interpretation set forth in this document and need no advance notice of the effective date.

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Dated July 23, 1956, to become effective upon publication in the *FEDERAL REGISTER*.

[SEAL]

ROY W. LENNARTSON,  
Deputy Administrator,  
Marketing Services.

[F. R. Doc. 56-6035; Filed, July 25, 1956; 8:53 a. m.]

### Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[Bulletin NSCP-2101]

#### PART 1106—NAVAL STORES CONSERVATION PROGRAM

SUBPART G—1957

Through the 1957 Naval Stores Conservation Program (hereinafter referred to as "this Program") the Federal Government will share with turpentine farmers the cost of carrying out approved conservation practices in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made. Cost-shares are predicated upon the economic use and conservation of soil and timber resources on turpentine farms, and computed on the acres in the tract or drift where an approved conservation practice is carried out.

This program provides cost-sharing for conservation practices only on turpentine farms having tracts or drifts of

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# FEDERAL REGISTER

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## CFR SUPPLEMENTS

(As of January 1, 1956)

The following Supplements are now available:

Title 26 (1954) Part 221 to end (Rev., 1955) (\$2.25)

Title 38 (\$2.00)

Titles 44-45 (\$1.00)

Title 50 (\$0.60)

Previously announced: Title 3, 1955 Supp. (\$2.00); Titles 4 and 5 (\$1.00); Title 6 (\$1.75); Title 7: Parts 1-209 (\$1.25), Parts 210-899 (Rev., 1955) with Supplement (\$4.50), Parts 900-959 (Rev., 1955) (\$6.00), Part 960 to end (Rev., 1955) with Supplement (\$5.85); Title 8 (\$0.50); Title 9 (\$0.70); Titles 10-13 (\$0.70); Title 14: Parts 1-399 (\$2.50), Part 400 to end (\$1.00); Title 15 (\$1.00); Title 16 (\$1.25); Title 17 (\$0.60); Title 18 (\$0.50); Title 19 (\$0.50); Title 20 (\$1.00); Title 21 (Rev., 1955) (\$5.50); Titles 22 and 23 (\$1.00); Title 24 (\$0.75); Title 25 (\$0.50); Title 26 (1954) Parts 1-220 (Rev., 1955) (\$2.00); Title 26: Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.30), Parts 183-299 (\$0.35), Part 300 to end, Ch. 1, and Title 27 (\$1.00); Titles 28 and 29 (\$1.25); Titles 30 and 31 (\$1.25); Title 32: Parts 1-399 (\$0.60), Parts 400-699 (\$0.65), Parts 700-799 (\$0.35), Parts 800-1099 (\$0.40), Part 1100 to end (\$0.35); Title 32A (Rev., 1955) (\$1.25); Title 33 (\$1.50); Titles 35-37 (\$1.00); Title 39 (Rev., 1955) (\$4.25); Titles 40-42 (\$0.65); Title 43 (\$0.50); Title 46: Parts 1-145 (\$0.60), Part 146 to end (\$1.25); Titles 47 and 48 (\$2.25); Title 49: Parts 1-70 (\$0.60), Parts 71-90 (\$1.00), Parts 91-164 (\$0.50), Part 165 to end (\$0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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AUTHORITY: §§ 1106.801 to 1106.835 Issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended; 70 Stat. 233, 16 U. S. C. 590g-590q.

## GENERAL PROVISIONS

§ 1106.801 *General requirements.* No tract or drift can qualify for cost-sharing under more than one conservation practice other than as provided for under practices specified in §§ 1106.816 and 1106.817. No tract or drift having virgin faces installed can qualify for cost-sharing unless the shoulder of the first streak on any face on a round tree which is not deformed is less than 18 inches from the ground. In each of the practices the faces are to be worked sufficiently to obtain at least one dipping of gum.

§ 1106.802 *Required performance—*  
(a) *Approved conservation practices.* Each participating producer shall, on every turpentine farm owned or operated by him during the 1957 turpentine season carry out one of the approved conservation practices in every tract or drift of faces that were installed during the 1953, 1954, 1955, 1956, or 1957 season, unless the Forest Service approves face installations made without carrying out a conservation practice. In cases where such approval is given for specific tracts or drifts of the turpentine farm, no cost will be shared for any faces in such tracts or drifts.

(b) *Practices requiring more than one year for completion.* (1) Cost-shares may be approved under this program for the completion of a component of a practice as prescribed in §§ 1106.810, 1106.811, 1106.812, 1106.813, 1106.814, 1106.815, and 1106.818: *Provided,* The producer agrees in writing to complete all remaining components of the practice in accordance with all applicable specifications and program provisions within the time prescribed by the Forest Service if cost-sharing is offered to him therefor under a subsequent program.

(2) Any advance cost-share so paid shall be refunded if the remaining components of the practice are not com-

pleted within the time prescribed by the Forest Service: *Provided,* The producer is offered cost-sharing under a subsequent program for the completion of such components. The extension of the period for completion of the components shall not constitute a commitment to approve cost-shares therefor under a subsequent program. Approval of cost-sharing for other practices under a subsequent program may also be denied until the remaining components are completed.

§ 1106.803 *Fire protection.* Each producer shall during the 1957 turpentine season cooperate with any existing cooperative fire control system serving the general area where his turpentine farm is located, unless he is otherwise following approved forest fire protection on his turpentine farm.

§ 1106.804 *Bark-bar requirement.* No back face shall be worked on any tree unless a live bark-bar on each side of the back face is provided and maintained throughout the 1957 turpentine season, the total of the two bark-bars being not less than 7 inches in width, measured horizontally along the bark surface at the narrowest point: *Provided, however,* That the restriction with respect to the width of the bark-bar shall not apply to any tree which has on it two or more old faces, including any back face installed prior to 1957. Faces having bark-bars totaling less than 7 inches shall not be worked in a manner that will result in leaving bark-bars less than those of former workings measured at the narrowest point.

§ 1106.805 *Inspection assistance.* Each producer shall assist representatives of the Forest Service in the administration of this program by:

(a) Giving them free access to his turpentine farm or farms;

(b) Counting all faces and keeping written records thereof separately by tracts and drifts;

(c) Furnishing count records and satisfactory evidence of control of faces to the local inspector (area forester) when requested;

(d) Furnishing information on burned areas, cutting operations, and interest in other turpentine farms as requested;

(e) Furnishing competent labor to assist the local inspector (area forester) in counting faces;

(f) Submitting an application for payment of Federal cost-shares (Form NSCP-1) and other prescribed forms;

(g) Notifying the Forest Service promptly of any change in ownership or control; and

(h) Otherwise facilitating the work of the inspector (area forester) in checking compliance with the terms and conditions of this program.

## CONSERVATION PRACTICES AND RATES OF FEDERAL COST-SHARES

§ 1106.810 *Practice 1: Working only 9 inch d. b. h. or larger trees—* (a) *Purpose.* To restrict turpentine to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to con-

serve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 9 inch d. b. h. or larger trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 9 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing—* (1) *Initial installation and first year working of 9 inch d. b. h. or larger trees—2 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service.

(2) *Working of faces for second, third, fourth, or fifth year—½ cent per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on 9 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. If faces have been installed contrary to the requirements for eligible faces or in excess of that necessary to complete cupping of the stand or replacement of normal mortality, the cups and tins on such faces shall be removed within 30 days after being discovered, unless a longer period of time for their removal is approved by the Forest Service. If such faces are not removed within the period approved by the Forest Service there may be withheld or required to be refunded the entire cost-shares for the tract or drift previously paid to the producer who installed the improper faces.

(3) *Initial use of double-headed nails in the initial installation or in the raising*

of cups and tins to conserve the worked portion of the tree— $\frac{1}{2}$  cent per face. Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where practice 1106.816 is used.

§ 1106.811 *Practice 2: Working only 10 inch d. b. h. or larger trees—(a) Purpose.* To restrict turpentine to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 10 inch d. b. h. or larger trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 10 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided*, That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of 10 inch d. b. h. or larger trees—4 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-

shares under the practice specified in § 1106.810.

(2) *Working of faces for second, third, fourth, or fifth year—2½ cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on 10 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 10 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 10 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.810 (d) (2) and there may be withheld or required to be refunded 1½ cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where § 1106.816 is used.

§ 1106.812 *Practice 3: Working only 11 inch d. b. h. or larger trees—(a) Purpose.* To restrict turpentine to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 11 inch d. b. h. or larger trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance

with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 11 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided*, That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of 11 inch d. b. h. or larger trees—5½ cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.810 or 1106.811, as applicable.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on 11 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 11 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 11 inches d. b. h., the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.810 (d) (2) or 1106.811 (d) (2) and there may be withheld or required to be refunded 2½ cents per face for faces qualified for § 1106.810, or 1 cent per face for faces qualified for § 1106.811 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with

respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where § 1106.816 is used.

§ 1106.813 *Practice 4: Working only 12 inch d. b. h. or larger trees—(a) Purpose.* To restrict turpentine to the more productive timber, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on 12 inch d. b. h. or larger trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces (except back faces on trees having a worked-out face) on trees which are less than 12 inches d. b. h. and only one face on trees less than 14 inches d. b. h.: *Provided,* That the installation of two cups on trees less than 14 inches d. b. h. in any tract or drift may be approved by the Forest Service as meeting the performance requirements of this paragraph where the Forest Service has determined such action conforms to sound forest conservation practice.

(d) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of 12 inch d. b. h. or larger trees—7 cents per face.* The cost-share for this component is applicable only to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.810, 1106.811, or 1106.812 as applicable.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on 12 inch d. b. h. or larger trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on 12 inch d. b. h. or larger trees in these tracts or drifts in excess of that necessary to complete cupping of the stand or replacement for normal mortality in the tract or drift will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on trees in excess of that necessary to complete cupping of the stand or normal mortality replacement or on trees under 12 inches d. b. h. the entire tracts or drifts will be considered only for qualification under the provisions of §§ 1106.810 (d) (2), 1106.811 (d) (2), or 1106.812 (d) (2), and there may be withheld or required to be refunded 5 cents per face for faces qualified for § 1106.810, 3½ cents per face for faces qualified for § 1106.811 or 2½ cents per face for faces qualified for § 1106.812 for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where § 1106.816 is used.

§ 1106.814 *Practice 5: Restricting turpentine to previously worked trees—(a) Purpose.* To restrict turpentine to trees having a previously worked face to improve the quality of the stand, to conserve the worked trees, to protect and permit undisturbed growth of the round trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on trees having a previously worked face over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component

parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Trees on which faces are installed shall be selected in a manner that will result in having no faces on round trees.

(d) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of faces on previously worked trees—6 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., new faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the cups and tins for such faces shall be removed within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service or the tract or drift will be considered only for qualification for cost-shares under the practice specified in §§ 1106.810, 1106.811, or 1106.812.

(2) *Working of faces for second, third, fourth, or fifth year—3 cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season; together with any new faces on previously worked trees that may have been installed within such tracts or drifts in 1957 in the second or third year's working to complete cupping of the stand or replace normal mortality. New faces installed on round trees in these tracts or drifts which earned a payment for the restricted cupping practice will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on any round trees the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.810 (d) (2). There may be withheld or required to be refunded, 3 cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed.

When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where § 1106.816 is used.

§ 1106.815 *Practice 6: Working only selectively marked trees—(a) Purpose.* To restrict turpentine to trees needing removal to thin the stand and improve its quality, to conserve the worked trees, to protect and permit undisturbed growth of the uncupped trees and to conserve the soil, water, and timber resources.

(b) *Description of practice.* This practice consists of installing and working faces and raising the cups and tins on selectively marked trees over a period of three to five years. Cost-sharing may be approved under the 1957 Program for only the component parts of the practice which are completed during the program year. The producer must complete all the remaining components of the practice in accordance with good forestry practices and all applicable requirements of this program if cost-sharing is offered to him therefor under a subsequent program. Separate rates of cost-sharing have been established for each component part of the practice.

(c) *Eligible faces.* Only trees which should be removed to improve the timber stand may be cupped; however, cost shares will be limited to trees 9 inches or more in diameter. Cupping shall be limited to trees selectively marked in advance in accordance with good, approved timber management practices to insure production of larger diameter class timber or to provide other stand improvement measures as approved by the Forest Service: *Provided,* That the number of remaining uncupped trees per acre shall average at least the minimum number per acre specified by the Forest Service in its Minimum Stocking Guide issued June 4, 1956, and be well distributed over the area.

(d) *Components of practice and rates of cost-sharing—(1) Initial installation and first year working of selectively marked trees—8 cents per face.* The cost-share for this component is applicable to tracts or drifts having only eligible virgin working faces, i. e., faces installed for the first working during the 1957 season. If faces have been installed contrary to the requirements for eligible faces, the area will be considered only for qualification for cost-shares under one of the diameter cupping practices specified in §§ 1106.810, 1106.811, or 1106.812.

(2) *Working of faces for second, third, fourth, or fifth year—3½ cents per face.* The cost-share for this component is applicable under the 1957 Program only to faces which were installed and met the eligible face requirements for this practice during the 1953, 1954, 1955, or 1956 season. New faces installed on round trees in these tracts or drifts will disqualify the tracts or drifts for cost-sharing under this practice. If, however, new faces have been installed on round trees the entire tracts or drifts will be considered only for qualification under the provisions of § 1106.810 (d) (2).

There may be withheld or required to be refunded, 4 cents per face for each face in the tracts or drifts in which such improper installation occurs and for which costs were shared in 1953, 1954, 1955, or 1956.

(3) *Initial use of double-headed nails in the initial installation or in the raising of cups and tins to conserve the worked portion of the tree—½ cent per face.* Use of this component is optional with respect to elevation of tins on faces initially installed in the 1953, 1954, or 1955 season, and also with respect to the virgin installation of 1957 faces. Use of this component is required with respect to all elevations of tins on faces installed for the first working in 1956 or 1957. When cups and tins are installed or raised with double-headed nails they shall be attached to the face in a manner that will minimize the loss of gum and conserve the worked portion of the tree. All nails and tins below the raised cup and above the first virgin streak shall be removed. When costs are shared under this component the producer must continue to use double-headed nails in all subsequent elevations of the cups and tins on the faces in the tracts or drifts. This component is not applicable where practice 1106.816 is used.

§ 1106.816 *Practice 7: Initial use of spiral gutters or Varn aprons and double-headed nails—(a) Purpose.* To minimize damage to the tree in installing faces for the virgin year or in the first elevation and to conserve the worked portion of the tree.

(b) *Description of practice.* This practice consists of using spiral gutters or Varn aprons attached with double-headed nails when cups and tins are initially installed on the face or when cups and tins are elevated for the first time.

(c) *Eligible faces.* Faces on trees installed to meet the requirements of §§ 1106.810, 1106.811, 1106.812, 1106.813, 1106.814, 1106.815, and 1106.818 may qualify for this practice.

(d) *Components of practice and rates of cost-sharing—(1) Initial use of spiral gutters or Varn aprons in the virgin installation or in the first elevation of cups and tins—2 cents per face.* (i) The cost-share rate established for initiating this practice is limited to tracts or drifts having only virgin working faces, i. e., faces installed for the first working during the 1957 season or faces upon which the cups and tins are elevated for the first time during the 1957 season. On accepting cost-sharing for this practice the producer agrees to use the spiral gutter or the Varn apron and double-headed nails to attach the tins in all subsequent raisings and attachment of tins to the face.

(ii) Cups and tins shall be installed in a manner that will minimize the loss of gum and restrict amount of damage to the tree. Spiral gutters or Varn aprons shall be used and the tins shall be attached to the tree with double-headed nails. In smoothing the tree and seating the cup for the virgin installation exposure of wood shall be limited to areas on the tree having burls, ridges, or other deformities.

(iii) The cost-share for this practice is in addition to that authorized for meeting the requirements of §§ 1106.810, 1106.811, 1106.812, 1106.813, 1106.814, 1106.815, or 1106.818.

§ 1106.817 *Practice 8: Removal of cups and tins from faces on small trees—(a) Purpose.* To encourage producers who have not participated in the 1955 or 1956 Programs to discontinue working small unproductive trees, to promote improved naval stores and forestry practices, to improve productivity of the woodland and to conserve the soil, water and timber resources.

(b) *Description of practice.* This practice consists of removing the cups and tins and discontinuing the working of small unproductive timber and meeting all other requirements for participation in this program.

(c) *Eligible faces.* All faces, installed for the first working in 1957, on trees under 9 inches d. b. h. and all but one face on trees between 9 and 14 inches d. b. h. having two or more faces. Working of faces shall be discontinued and cups and tins removed by tracts or drifts within 30 days after being discovered unless a longer period of time for their removal is approved by the Forest Service to meet the eligible face requirements of § 1106.810. Only producers who did not participate in the 1955 or 1956 programs are eligible for cost-sharing under this practice.

(d) *Components of practice and rates of cost-sharing—(1) Removal of cups and tins on trees under 9 inches d. b. h. and on trees between 9 and 14 inches d. b. h. having more than one face—8 cents per face.* The cost-share for this component is applicable to faces discontinued by removal of cups and tins to permit the tract or drift to meet the eligible face requirements of § 1106.810.

§ 1106.818 *Practice 9: Pilot plant tests of new methods and equipment—(a) Purpose.* To conduct controlled demonstrations or experiments to test values of new methods and equipment for gum production.

(b) *Description of practice.* This practice consists of carrying out practical demonstrations or tests of new methods or equipment according to requirements of the Forest Service.

(c) *Eligible faces.* Only faces on trees in selected tracts used in controlled demonstrations or tests carried out in accordance with provisions prescribed by the Forest Service are eligible for cost-sharing.

(d) *Components of practice and rates of cost-sharing.* (1) Eight cents per face for faces meeting the requirements of § 1106.810.

(2) Eleven cents per face for faces meeting the requirements of §§ 1106.811, 1106.812, 1106.813, 1106.814, and 1106.815.

#### GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1106.820 *Increase in small Federal cost-shares.* The total of the payment computed for any producer with respect to his turpentine farm under the Naval Stores Conservation Program and the cost-share computed for him on the same farm under the Agricultural Conserva-

tion Program shall be increased as follows: (a) Any Federal cost-sharing amounting to 71 cents or less shall be increased to \$1.00; (b) any Federal cost-sharing amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent; (c) any Federal cost-sharing amounting to \$1.00 or more shall be increased in accordance with the following schedule:

| Amount of cost-shares computed: | Increase in cost-shares |
|---------------------------------|-------------------------|
| \$1.00 to \$1.99                | \$0.40                  |
| \$2.00 to \$2.99                | 0.80                    |
| \$3.00 to \$3.99                | 1.20                    |
| \$4.00 to \$4.99                | 1.60                    |
| \$5.00 to \$5.99                | 2.00                    |
| \$6.00 to \$6.99                | 2.40                    |
| \$7.00 to \$7.99                | 2.80                    |
| \$8.00 to \$8.99                | 3.20                    |
| \$9.00 to \$9.99                | 3.60                    |
| \$10.00 to \$10.99              | 4.00                    |
| \$11.00 to \$11.99              | 4.40                    |
| \$12.00 to \$12.99              | 4.80                    |
| \$13.00 to \$13.99              | 5.20                    |
| \$14.00 to \$14.99              | 5.60                    |
| \$15.00 to \$15.99              | 6.00                    |
| \$16.00 to \$16.99              | 6.40                    |
| \$17.00 to \$17.99              | 6.80                    |
| \$18.00 to \$18.99              | 7.20                    |
| \$19.00 to \$19.99              | 7.60                    |
| \$20.00 to \$20.99              | 8.00                    |
| \$21.00 to \$21.99              | 8.40                    |
| \$22.00 to \$22.99              | 8.80                    |
| \$23.00 to \$23.99              | 9.20                    |
| \$24.00 to \$24.99              | 9.60                    |
| \$25.00 to \$25.99              | 10.00                   |
| \$26.00 to \$26.99              | 10.40                   |
| \$27.00 to \$27.99              | 10.80                   |
| \$28.00 to \$28.99              | 11.20                   |
| \$29.00 to \$29.99              | 11.60                   |
| \$30.00 to \$30.99              | 12.00                   |
| \$31.00 to \$31.99              | 12.40                   |
| \$32.00 to \$32.99              | 12.80                   |
| \$33.00 to \$33.99              | 13.20                   |
| \$34.00 to \$34.99              | 13.60                   |
| \$35.00 to \$35.99              | 14.00                   |
| \$36.00 to \$36.99              | 14.40                   |
| \$37.00 to \$37.99              | 14.80                   |
| \$38.00 to \$38.99              | 15.20                   |
| \$39.00 to \$39.99              | 15.60                   |
| \$40.00 to \$40.99              | 16.00                   |
| \$41.00 to \$41.99              | 16.40                   |
| \$42.00 to \$42.99              | 16.80                   |
| \$43.00 to \$43.99              | 17.20                   |
| \$44.00 to \$44.99              | 17.60                   |
| \$45.00 to \$45.99              | 18.00                   |
| \$46.00 to \$46.99              | 18.40                   |
| \$47.00 to \$47.99              | 18.80                   |
| \$48.00 to \$48.99              | 19.20                   |
| \$49.00 to \$49.99              | 19.60                   |
| \$50.00 to \$50.99              | 20.00                   |
| \$51.00 to \$51.99              | 20.40                   |
| \$52.00 to \$52.99              | 20.80                   |
| \$53.00 to \$53.99              | 21.20                   |
| \$54.00 to \$54.99              | 21.60                   |
| \$55.00 to \$55.99              | 22.00                   |
| \$56.00 to \$56.99              | 22.40                   |
| \$57.00 to \$57.99              | 22.80                   |
| \$58.00 to \$58.99              | 23.20                   |
| \$59.00 to \$59.99              | 23.60                   |
| \$60.00 to \$60.99              | 24.00                   |
| \$185.00 to \$199.99            | (1)                     |
| \$200.00 and over               | (2)                     |

<sup>1</sup> Increase to \$200.

<sup>2</sup> No increase.

**§ 1106.821 Maintenance of practices.** The sharing of costs by the Federal Government for performance of approved practices included in this program will be subject to the condition that the producer with whom the costs are shared will maintain such practices in accordance with good forestry practices during the life of the face as long as the timber remains under his control. The pro-

ducer shall not be expected to maintain and complete the practice when prevented by destruction of the timber by fire, weather, insects, diseases, or other conditions beyond his control.

**§ 1106.822 Practices defeating purposes of programs.** If the Forest Service finds that any producer has adopted or participated in any practice which tends to defeat the purposes of this program or previous programs, it may withhold or require to be refunded all or any part of any cost-share which has been or otherwise would be made to such producer under this program. Practices which tend to defeat the purposes of this and previous programs shall include, but are not restricted to the following:

(a) The cutting contrary to good forestry practices of turpentine trees in drifts or tracts (including current non-working areas) on which costs have been or would be shared under this or the 1953, 1954, 1955, or 1956 Program. There may be withheld or required to be refunded the amount previously paid for each face for which costs were shared in 1953, 1954, 1955, 1956, or 1957 in the tracts or drifts in which such cutting occurs, except that refunds shall not exceed 3¢ per face for each face for which costs were shared in 1953, 1954, 1955, or 1956. Conformity to the following rules shall be considered good cutting practice:

(1) When turpentine trees are cut for thinnings at least the minimum number of trees per acre specified in the Minimum Stocking Guide issued by the Forest Service June 4, 1956, shall be left uncut and undamaged and well distributed over the cutting area.

(2) When turpentine trees are cut in a harvest cutting, at least 400 turpentine trees per acre shall be left uncut and undamaged and well distributed over the cutting area, or a minimum of the following number or combination of numbers of thrifty turpentine seed trees per acre: 9 inches or over d. b. h.—6 trees, 8 inches d. b. h.—9 trees, or 7 inches d. b. h.—12 trees, shall be left uncut and undamaged, or if clearcut, artificial planting of at least 500 trees per acre will be accomplished prior to April 1, 1960.

(b) The burning by the producer on any drift or tract of his turpentine farm which will destroy natural reforestation on land which is not fully stocked with turpentine trees or which will result in damage to established turpentine tree reproduction. There may be withheld or required to be refunded all or any part of cost-shares earned under this program on the drifts or tracts in which such improper burning occurs.

(c) The installation of new faces on round trees less than 9 inches d. b. h. or more than one face on round trees less than 14 inches d. b. h. in tracts or drifts having working faces installed during or prior to the 1952 turpentine season. There may be withheld or required to be refunded 2 cents per face for each working face installed during or prior to 1952 in the tracts or drifts in which such installation occurs.

**§ 1106.823 Federal cost-shares not subject to claims.** Any Federal cost-share, or portion thereof, due any person

shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1106.824 and except for indebtedness to the United States subject to set-off under orders issued by the Secretary (Part 1109 of this chapter)) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

**§ 1106.824 Assignments.** Any producer who may be entitled to any Federal cost-share under the 1957 Program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1957, including the carrying out of soil and water conserving practices. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the regulations issued by the Secretary (Part 1110 of this chapter) witnessed, however, by an inspector or the Program Supervisor of the Forest Service and filed with the Forest Service, Valdosta, Georgia.

**§ 1106.825 Death, incompetency, or disappearance of producer.** In case of death, incompetency, or disappearance of any producer, his share of cost-sharings shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended (Part 1108 of this chapter).

**§ 1106.826 Maximum Federal cost-shares limitation.** The total of all cost-shares under the 1957 Naval Stores Conservation and 1957 Agricultural Conservation Programs to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) for approved practices which are not carried out under pooling agreements shall not exceed the sum of \$1,500, and for all approved practices, including those carried out under pooling agreements, shall not exceed the sum of \$10,000.

**§ 1106.827 Evasion.** All or any part of any Federal cost-share which has been or otherwise would be made to any producer participating in this program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means which was designed to evade, or which has the effect of evading, the provisions of § 1106.826.

#### APPLICATIONS FOR PAYMENT OF FEDERAL COST-SHARES

**§ 1106.828 Persons eligible to file application for payment of Federal cost-shares.** An application for payment of Federal cost-shares may be filed by any producer who is working faces for the production of gum naval stores, during the 1957 turpentine season, which were installed during or after the 1953 season. If one producer conducts the operation of a turpentine farm during a portion of the 1957 turpentine season and another producer conducts the operation of the

turpentine farm during the remainder of the season, the producer who completes the component or components of the conservation practices shall file the application.

§ 1106.829 *Time and manner of filing applications and required information.* Payment of Federal cost-shares will be made only when a report of performance is submitted to the Forest Service on or before January 31, 1958, on the prescribed form (NSCP-1) Application for Payment. Payment of Federal cost-shares may be withheld from any producer who fails to file any form or furnish any information required with respect to any turpentine farm which is being operated by him.

#### APPEALS

§ 1106.830 *Appeals.* The provisions for appeals will be added at a later date by an amendment to this section.

#### DEFINITIONS

§ 1106.831 *Definitions.*—(a) *Gum naval stores.* Crude gum (oleoresin), gum turpentine and gum resin produced from living trees.

(b) *Producer.* Any person, firm, partnership, corporation, or other business enterprise, doing business as a single legal entity, producing gum naval stores from turpentine trees controlled through fee ownership, cash lease, percentage lease, share lease, or other form of control.

(c) *Turpentine tree.* Any tree of either the two species, longleaf pine (*Pinus palustris*) or slash pine (*Pinus elliotii* Engelm.).

(d) *Turpentine farm.* This includes (1) land growing turpentine trees, owned or leased by a producer in one general locality, which are currently being worked for gum naval stores, herein referred to as a working area; and (2) all commercially valuable or potentially valuable forest land, owned by a producer on which turpentine trees are growing and which are not being currently worked for gum naval stores, herein referred to as a nonworking area.

(e) *Tract.* A portion of a working area having a continuous stand of trees supporting faces of one age class or intermingled age classes.

(f) *Drift.* A portion or subdivision of a tract set apart for convenience of operation or administration.

(g) *Turpentine season.* The entire calendar year, or, if a farm is operated less than the full calendar year, that period within the calendar year during which a producer is operating his turpentine farm for the production of gum naval stores.

(h) *Face.* The whole wound or aggregate of streaks made by chipping, streaking, or pulling the live tree to stimulate the flow of crude gum (oleoresin), herein referred to as gum.

(i) *Cup.* A container made of metal, clay, or other material hung on or below the face to accumulate the flow of gum.

(j) *Tins.* The gutters or aprons, made of sheet metal or other material, used to conduct the gum from a face into a cup.

(k) *D. b. h.* Diameter breast height; i. e., diameter of tree measured  $4\frac{1}{2}$  feet from the ground.

(l) *Round tree.* Any tree which has not been faced or scarred.

(m) *Scarred tree.* A tree having an idle face not over 36 inches in vertical measurement from the shoulder of the first streak to the shoulder of the last streak.

(n) *Worked-out face.* An idle face which is 60 inches or more in vertical measurement between the shoulder of the first streak and the shoulder of the last streak, or a dry face.

(o) *Back-face.* A face placed on a tree having a previously worked face.

(p) *Spiral gutter.* A curved gutter that follows a spiral path around the tree.

(q) *Varn apron.* A curved two-piece adjustable apron with tacking flange.

(r) *Double-headed nail.* Double-headed nails specially designed for naval stores use are produced commercially by several manufacturers. The use of a double-headed nail meeting the following minimum specifications is required where this practice is used: The overall length shall be  $1\frac{1}{2}$  inches; distance between heads a minimum of  $\frac{1}{4}$  inch; its wire gauge no smaller than 13; the driving head shall be of the flat "Common Nail" type with diameter between  $\frac{3}{16}$  and  $\frac{1}{4}$  inches and diameter of clinching head  $\frac{1}{4}$  inch. Experience has shown that the use of double-headed nails meeting these specifications is satisfactory and meets the requirements for any type of installation and easy removal from the trees.

(s) *Normal mortality.* Two percent (2%) of all faces in the tract or drift.

(t) *Virgin streak.* The first chipping of the tree following initial installation of the face.

#### AUTHORITY AND AVAILABILITY OF FUNDS, APPLICABILITY AND ADMINISTRATION

§ 1106.832 *Authority.* This program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1957, and is contingent upon legislative authority to the Secretary to exercise after December 31, 1956, the powers conferred on him by section 8 of the act.

§ 1106.833 *Availability of funds.* (a) The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares herein provided for is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation and by the extent of participation in this program.

(b) The funds provided for this program will not be available for the payment of applications filed after December 31, 1958.

§ 1106.834 *Applicability.* (a) The provisions of this program are not

applicable to any turpentine operations within the public domain of the United States, including the lands and timber owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership (such lands include, but are not limited to lands owned by the United States which are administered by the Forest Service or the Soil Conservation Service of the Department of Agriculture, or by the Bureau of Land Management or the Fish and Wildlife Service of the Department of the Interior).

(b) This program is applicable to (1) turpentine farms on privately owned lands, (2) lands owned by a State or a political subdivision or agency thereof, or (3) lands owned by corporations which are either partly or wholly owned by the United States provided such lands are temporarily under such government or corporation ownership and are not acquired or reserved for conservation purposes. Only turpentine farms on lands that are administered by the Farmers Home Administration, the Federal Farm Mortgage Corporation, a Production Credit Association, or the U. S. Department of Defense, shall be considered eligible unless the Forest Service finds that land administered by any other agency complied with all of the foregoing provisions for eligibility.

§ 1106.835 *Administration.* The Forest Service shall have charge of the administration of this program and is hereby authorized to prepare and to issue such bulletins, instructions and forms, and to make such determinations, as may be required to administer this program, pursuant to the provisions of this bulletin, and the field work shall be administered by the Forest Service through the office of the Regional Forester, United States Forest Service, 50 Seventh Street NE., Atlanta 23, Georgia. Information concerning this program may be secured from the Forest Service, Valdosta, Georgia, or from any local Area Forester of the Forest Service.

Done at Washington, D. C., this 20th day of July 1956.

[SEAL] E. L. PETERSON,  
Assistant Secretary of Agriculture.

[F. R. Doc. 56-6033; Filed, July 25, 1956; 8:52 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 174]

#### PART 608—RESTRICTED AREAS ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the

notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.56, the Leon, W. Va., area (R-490), published on October 20, 1955 in 20 F. R., 7902 is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 23, 1956.

[SEAL] C. J. LOWEN,  
Administrator of Civil Aeronautics.

[F. R. Doc. 56-6003; Filed, July 25, 1956;  
8:45 a. m.]

[Amdt. 175]

#### PART 608—RESTRICTED AREAS

##### ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.30, the Oscoda, Mich., area (R-81 formerly D-81), published on July 16, 1949 in 14 F. R. 4287, is rescinded.

2. § 608.30, the Upper Lake Huron, Mich., area (R-91 formerly D-91), amended on June 13, 1951 in 16 F. R. 5616 is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet MSL".

3. In § 608.31, the Upper Red Lake, Minn., area No. 1 (R-186), amended on March 26, 1955 in 20 F. R. 1846, is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet MSL".

4. In § 608.31, the Upper Red Lake, Minn., area No. 2 (R-406), amended on September 21, 1955 in 20 F. R. 7074, is rescinded.

5. In § 608.31, the Grand Marais, Minn., area (R-187), amended on April 9, 1955 in 20 F. R. 2302, is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet MSL", and the "Time of Designation" column to read: "Day and night". NOTE: This area to be used only during VFR Weather Conditions.

6. In § 608.49, the Scenic, N. Dak., area (R-190), amended on September 21, 1955 in 20 F. R. 7074, is further amended by changing the "Designated Altitudes" column to read: "50,000 feet MSL".

7. In § 608.30, the Upper Lake Huron, Mich., area No. 2 (R-491), published on July 13, 1955 in 20 F. R. 4981, is further amended by changing the "Designated Altitudes" column to read: "50,000 feet MSL".

8. In § 608.31, the Camp Ripley, Minn., area (R-191), amended on September 21,

1955 in 20 F. R. 7074, is further amended by changing the "Designated Altitudes" column to read: "Surface to 27,000 feet MSL".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on August 10, 1956.

[SEAL] C. J. LOWEN,  
Administrator of Civil Aeronautics.

[F. R. Doc. 56-6004; Filed, July 25, 1956;  
8:45 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### Subchapter B—Food and Food Products

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### EXEMPTION FROM REQUIREMENT OF TOLERANCE FOR RESIDUES OF AMMONIA

A petition was filed with the Food and Drug Administration requesting an exemption from the requirement of a tolerance for residues of ammonia applied after harvest to grapefruit, lemons, and oranges.

Evidence in the petition shows that when ammonia is applied to these citrus fruits in accordance with the directions proposed some ammonia is absorbed by the fruit. Ammonia is desorbed from the fruit when it is in an ammonia-free atmosphere. The ammonia present from the proposed treatment has no adverse effect on the nutritive quality of the citrus and constitutes no hazard to man.

The evidence in the petition shows further that there is a limit to the amount of ammonia that may be applied, because excessive concentrations of ammonia or exposure of the fruit for an excessive time disfigures the fruit and makes it unmarketable. Thus, there is no likelihood that improper use of ammonia will cause a hazard to the consumer of the fruit.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which exemptions are being established. After consideration of the data submitted in the petition and other relevant material which show that a tolerance is not necessary to protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.140 Exemption from the requirement of a tolerance for residues of ammonia. Ammonia is exempted from the requirement of a tolerance when used

after harvest on the raw agricultural commodities grapefruit, lemons, and oranges.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: July 20, 1956.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F. R. Doc. 56-6007; Filed, July 25, 1956;  
8:46 a. m.]

#### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

##### TOLERANCES FOR RESIDUES OF DIPHENYL

A petition was filed with the Food and Drug Administration requesting that diphenyl be exempted from the requirement of a tolerance when it is applied as a postharvest treatment to grapefruit, lemons, and oranges.

The evidence in the petition shows that under the conditions proposed for use of the chemical treated citrus contains less than 110 parts per million of diphenyl; residues in the pulp and in juice from treated fruit will generally be less than 1 part per million of diphenyl for grapefruit and 3.2 parts per million for oranges; lemon juice extracted from treated fruit generally will have less than 8 parts per million of diphenyl; when the lemon juice is diluted with water to make a palatable product the diphenyl content ordinarily will be reduced to less than 2 parts per million. Higher residues occur in the peel of treated citrus. The food use of citrus peel is limited. The ordinary methods of preparing citrus peel for human consumption involve cooking and the addition of other materials such as water and sugar; these steps will serve to reduce the diphenyl content before citrus peel is eaten.

The evidence in the petition also shows that the residues of diphenyl which occur in the peel, pulp, or juice of grapefruit, lemons, or oranges, under the conditions proposed for use of the chemical, will not constitute any hazard to man.

The method of applying diphenyl to citrus has undergone material changes in recent years. At one time it was applied as diphenyl-impregnated paper for wrapping individual fruit. Other methods have been tried. The most recent (the one proposed in the petition) employs diphenyl-impregnated carton liners which are placed in cartons with citrus to be treated.

The petition does not show what residues of diphenyl will occur in citrus treated by methods other than the one proposed in the petition.

In the interests of public health it is concluded that to provide for post-harvest use of diphenyl on grapefruit, lemons, and oranges there should be established tolerances of 110 parts per million of diphenyl in the whole fruit, rather than an exemption.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

**§ 120.141 Tolerances for residues of diphenyl.** A tolerance of 110 parts per million for residues of diphenyl is established in or on each of the following raw agricultural commodities: Grapefruit, lemons, and oranges.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective upon publication in the *FEDERAL REGISTER*.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a.)

Dated: July 20, 1956.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F. R. Doc. 56-6005; Filed, July 25, 1956; 8:45 a. m.]

# **PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES**

**EXEMPTION FROM REQUIREMENT OF TOLERANCES FOR RESIDUES OF CARBON DISULFIDE, CARBON TETRACHLORIDE, ETHYLENE DICHLORIDE, AND ORGANIC BROMIDE RESIDUES FROM ETHYLENE DIBROMIDE; TOLERANCES FOR INORGANIC BROMIDE RESIDUES FROM ETHYLENE DIBROMIDE**

Petitions were filed with the Food and Drug Administration requesting that the pesticide chemicals carbon disulfide, carbon tetrachloride, ethylene dibromide, and ethylene dichloride be exempted from the requirement of tolerances when used as fumigants for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

Evidence in the petitions and otherwise available shows that when these pesticide chemicals are used as grain fumigants by the methods proposed in the petitions, the initial residues in grain will be high; the residues will drop to lower levels upon aeration and will remain at low levels in grain for long periods of time. The exact residue level at any time will depend upon a number of factors, including length of time since last fumigation, prevailing temperature since fumigation, size and tightness of the storage bin, quantity of grain fumigated, and the number of times the grain has been handled or turned.

When the fumigants are used according to directions proposed in the petitions, the residues, except inorganic bromide residues remaining from fumigation with ethylene dibromide, will not be present in finished foods ready for human consumption; the cooking customarily given to these cereals before they are used as human food drives off organic residues. The residues that remain in animal feed will not carry through into milk or meat and will not constitute a hazard to the health of the animals.

Small residues of inorganic bromide may occur in grain that has been fumigated with ethylene dibromide. These will not constitute a hazard to health, but it is necessary to establish tolerances for them in order to limit the total amount of inorganic bromide that may remain when grain is fumigated with ethylene dibromide and with methyl bromide.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purposes for which exemptions and tolerances are being established in this order.

The uses proposed for these pesticide chemicals are currently prevailing uses. They have been employed for many years. Tolerances are not necessary to protect the public health in the case of carbon disulfide, carbon tetrachloride, ethylene dichloride, and the organic bromide residues remaining from ethylene dibromide when these pesticide chemicals are used as grain fumigants. The tolerances established in this order for inorganic bromide residues resulting from fumigation with ethylene dibromide will protect the public health.

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new sections:

**§ 120.142 Exemption from the requirement of a tolerance for residues of carbon disulfide.** Carbon disulfide is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

**§ 120.143 Exemption from the requirement of a tolerance for residues of carbon tetrachloride.** Carbon tetrachloride is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

**§ 120.144 Exemption from the requirement of a tolerance for the organic bromide residues from ethylene dibromide.** The organic bromide residues are exempted from the requirement of a tolerance for residues when ethylene dibromide is used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

**§ 120.145 Exemption from the requirement of a tolerance for residues of ethylene dichloride.** Ethylene dichloride is exempted from the requirement of a tolerance for residues, when used as a fumigant for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

**§ 120.146 Tolerances for residues of inorganic bromides resulting from fumigation with ethylene dibromide.** Tolerances of 50 parts per million are established for residues of inorganic bromides (calculated as Br) in or on the following grains that have been fumigated with ethylene dibromide: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

**Effective date.** This order shall be effective upon publication in the *FEDERAL REGISTER*.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: July 20, 1956.

[SEAL] GEO. P. LARRICK,  
Commissioner of Food and Drugs.

[F. R. Doc. 56-6006; Filed, July 25, 1956;  
8:46 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

#### Subchapter A—General

[CGFR 56-24]

#### PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

##### PROCUREMENT

By virtue of the authority contained in the Act of July 9, 1952 (66 Stat. 481), as amended, the Universal Military Training and Service Act (50 U. S. C. App. et seq.), as amended, and Title 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.2201 is hereby amended to read as follows:

§ 8.2201 *Educational and professional requirements.* A candidate for a direct appointment as a Reserve commissioned, chief warrant, or warrant officer must have such educational qualifications and professional experience as may be prescribed from time to time by the Commandant.

2. Sections 8.2202, 8.2204, and 8.2205 are hereby deleted.

3. The last sentence of § 8.2206 is hereby deleted.

4. A new § 8.2403 is hereby added as follows:

§ 8.2403 *Direct enlistment program.*

(a) Whenever the President authorizes the enlistment of persons into organized units of the Ready Reserve under the authority contained in Clause (C) of section 6 (c) (2) of the Universal Military Training and Service Act, as amended, the Commandant may provide for the enlistment in the Coast Guard Reserve of persons who qualify therefor under such regulations as may be prescribed and within such quotas as may be approved by the Secretary of Defense.

(b) The Commandant is hereby empowered to exercise and implement any authority conferred upon the Secretary of the Treasury as may be contained in the authorization, regulations, and approval referred to in paragraph (a) of this section.

5. A new § 8.2404 is hereby added as follows:

§ 8.2404 *Early release procurement program.* (a) Until July 1, 1957, the Commandant may, pursuant to section 263 (a) of the Armed Forces Reserve Act, as amended, under conditions which shall parallel as nearly as practicable the conditions in force for the military

departments, provide for the release of any member of the Coast Guard and Coast Guard Reserve who volunteers for transfer to a unit of the Ready Reserve and who was performing active duty on August 9, 1955 prior to serving the period of active duty for which enlisted or ordered provided such member has served on active duty for at least 12 months and provided such release would not exceed any quota authorized.

(b) Each member who volunteers pursuant to paragraph (a) of this section shall be required to agree to participate satisfactorily in an accredited training program of the Ready Reserve for a period which, when added to the period of his active duty, totals four years.

(c) Upon completion of the service specified in paragraph (b) of this section, the member concerned shall be transferred to the Standby Reserve for the remainder of his total period of obligated service unless he agrees to remain in the Ready Reserve.

6. A new § 8.2405 is hereby added as follows:

§ 8.2405 *Release procurement program.*

(a) Until July 1, 1957, the Commandant may, pursuant to section 263 (b) of the Armed Forces Reserve Act, as amended, upon release of a member from active duty after August 9, 1955, accept an agreement from such member to participate satisfactorily in a unit of the Ready Reserve for a period of one year from the date of his release.

(b) Upon completion of his one year period of service as specified in paragraph (a) of this section, the member concerned shall be transferred to the Standby Reserve for the remainder of his total period of obligated service unless he agrees to remain in the Ready Reserve.

7. A new § 8.2406 is hereby added as follows:

§ 8.2406 *Officer candidate program.*

(a) The Commandant may provide for the selection of qualified applicants to attend a course of training leading to appointment as a commissioned officer from among the following:

(1) Male applicants from civil life who have such educational qualifications as may be prescribed from time to time by the Commandant.

(2) Members of the Coast Guard and Coast Guard Reserve who have completed at least one year of college or its equivalent and who have performed a specified period of active duty.

(b) The Commandant shall establish the criteria under which applicants may be selected and shall determine the length and curriculum of the training course.

(c) A person who successfully completes the training course shall, if otherwise qualified, be appointed a Reserve commissioned officer in the Coast Guard.

(d) Selected civilian applicants shall be enlisted in pay grade E-2 and designated as officer candidates. Applicants who, at the time of selection, are members of the Coast Guard or Coast Guard Reserve shall be designated as officer candidates in pay grade E-2 or in the

pay grade in which serving, whichever is the higher.

(e) Applicants shall be required to execute an agreement containing the conditions under which they may, if selected, be required to perform active duty or active duty for training and to perform satisfactory service by participation in training activities as a member of the Reserve. A person who is commissioned and who is designated to perform active duty or active duty for training in accordance with his agreement shall normally be called to duty immediately or as soon as possible within the 12-month period after commissioning in accordance with the ability of the Coast Guard to absorb him. Each person shall be advised at the time of graduation as to the approximate date he will be required to report for such duty. If there is a delay between the commissioning and the reporting date, graduates shall be given appropriate assignments in the Ready Reserve. Assignment of graduates to active duty or active duty for training shall be made under instructions issued by the Commandant which shall provide for an impartial method of selection and with maximum consideration to be given to the preference of each graduate so far as may be consistent with the requirements of the Coast Guard.

(f) Under instructions issued by the Commandant, a graduate may be delayed from being ordered to active duty or active duty for training beyond the normal 12-month period after commissioning if the following is found to exist.

(1) He is the recipient of a scholarship.

(2) He has been accepted by a recognized institution of higher education for graduate studies.

(3) He would suffer undue personal hardship.

(4) He is otherwise precluded from reporting as ordered for cogent and acceptable reasons.

(g) A graduate whose orders to active duty or active duty for training has been delayed pursuant to paragraph (f) of this section shall be ordered to such duty at such time as the cause of the delay ceases to exist. While such delay continues to exist, the member shall be given an appropriate Ready Reserve assignment.

8. A new § 8.2407 is hereby added as follows:

§ 8.2407 *General.* (a) Except as specifically modified by the provisions contained in §§ 8.2401 to 8.2406 inclusive of these regulations, the general policies contained elsewhere in these regulations pertaining to procurement of Reserve personnel shall continue to apply to the enlistment of persons under the special enlistment programs set forth in the sections referred to.

(b) Nothing contained in §§ 8.2401 to 8.2406 inclusive, pertaining to special enlistment programs, shall be construed to prevent the procurement of qualified persons under other provisions of law or these regulations. The Commandant may, from time to time, restrict the use of any procurement program as the needs of the service may require.

(Sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. App. 454, 14 U. S. C. 633, 50 U. S. C. 1002)

Approved: July 5, 1956.

[SEAL] DAVID W. KENDALL,  
Acting Secretary of the Treasury.

Concurred in: July 16, 1956.

CHARLES S. THOMAS,  
Secretary of the Navy.

[F. R. Doc. 56-6023; Filed, July 25, 1956;  
8:49 a. m.]

[CGFR 56-19]

PART 8—REGULATIONS, UNITED STATES  
COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in the Act of July 9, 1952 (66 Stat. 481) as amended, the Act of October 12, 1949, as amended (63 Stat. 825), and Title 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.4401 is hereby amended to read as follows:

§ 8.4401 *Assignment to Ready Reserve*—(a) *Original assignment*. Under instructions issued by the Commandant, the following persons shall be placed in the Ready Reserve upon becoming a member of the Coast Guard Reserve:

(1) Those who enter directly under the provisions of sections 261 and 262 of the Armed Forces Reserve Act, as amended.

(2) Those who enter directly under the provisions of section 6 (c) (2) (C) of the Universal Military Training and Service Act, as amended.

(3) Those entering through appointment as a Reserve officer under the provisions of section 6 (d) of the Universal Military Training and Service Act, as amended, who are required by section 208 (a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(4) Those entering by transfer under the provisions of section 4 (d) (3) of the Universal Military Training and Service Act, as amended, who are required by section 208 (a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(5) Those entering directly through a voluntary appointment or enlistment who are required by section 208 (a) of the Armed Forces Reserve Act, as amended, to serve in the Ready Reserve.

(6) Those entering directly through a voluntary appointment or enlistment who are not required by law to serve in the Reserve but who voluntarily agree to assignment in the Ready Reserve for a period not to exceed 4 years as determined by the Commandant.

(b) *Assignment by transfer*. Under instructions issued by the Commandant, the following persons may be placed in the Ready Reserve:

(1) Those Standby Reservists provided for in § 8.4409 who were screened out of the Ready Reserve prior to completion of their Ready Reserve obligation.

(2) Subject to the provisions of paragraph (c) of this section, those Standby and Retired Reservists who request transfer to the Ready Reserve if a requirement exists and they are found to be qualified.

(c) *Voluntary agreements to remain in the Ready Reserve*. The Commandant shall require that all persons who have completed their Ready Reserve obligation and who desire to remain in the Ready Reserve and all Standby Reservists who voluntarily request transfer to the Ready Reserve agree to remain in the Ready Reserve. All such agreements shall provide, but need not be limited to, the following:

(1) The period of voluntary membership shall be of not less than one year's duration.

(2) The Reservist may be transferred to the Standby Reserve at any time for cogent reasons.

(3) The Reservist waives his right to transfer to the Standby Reserve during the period of the agreement.

2. Paragraph (a) of § 8.4402 is hereby amended and new paragraphs (d), (e), and (f) are hereby added as follows:

§ 8.4402 *Assignment to Standby Reserve*—(a) *Active status*—(1) *Original assignment*. Under instructions issued by the Commandant, the following persons may be directly placed in the Standby Reserve in an active status without prior membership in the Ready Reserve:

(i) Upon release, those persons subject to the provisions of section 4 (d) (3) of the Universal Military Training and Service Act, as amended, who have served for 5 or more years on active duty but who have an unfulfilled portion of their total statutory obligation.

(ii) Those persons directly entering the Reserve from civil life through a voluntary appointment or enlistment who are not serving under a statutory obligation and are not otherwise subject to military service.

(2) *Assignment by transfer for failure to execute agreement*. Under instructions issued by the Commandant, the following members who are otherwise qualified to remain in the Ready Reserve and for whom a suitable vacancy exists shall be transferred to the Standby Reserve in an active status upon a finding that they have declined an opportunity to execute an agreement provided for in § 8.4401 (c).

(i) Those who have served on active duty for not less than a total of 5 years.

(ii) Those who have completed the periods of active duty and Ready Reserve participation prescribed in section 263 of the Armed Forces Reserve Act, as amended.

(iii) Those who have served on active duty and participated satisfactorily in an accredited training program of the Ready Reserve for a combined total of five or more years.

(iv) Those who have served on active duty for not less than twelve months between December 7, 1941 and September 2, 1945 and for an additional period of not less than twelve months subsequent to June 25, 1950 unless such transfer

would render them liable to induction for active training and service.

(v) Those who served as a member of one or more Reserve components for not less than eight years subsequent to September 2, 1945 unless such transfer would render them liable to induction for active training and service.

(3) *Assignment by transfer for lack of qualifications or lack of vacancies*. Under instructions issued by the Commandant, a member of the Ready Reserve who is not qualified to remain therein or for whom no suitable vacancy exists shall be transferred to the Standby Reserve in an active status and such a member need not be afforded an opportunity to remain in the Ready Reserve.

(4) *Assignment by transfer through screening program*. Under instructions issued by the Commandant, those persons who are determined to come within the screening provisions contained in § 8.4407 shall be transferred to the Standby Reserve.

(d) Under instructions issued by the Commandant, a report shall be made to the Selective Service System whenever a member is transferred to or from the Standby Reserve or whenever a member of the Standby Reserve is discharged.

(e) Under instructions issued by the Commandant, members may be voluntarily retained in the Standby Reserve beyond the expiration of their statutory obligation.

(f) *Determination of availability by the Selective Service System*. No member of the Standby Reserve may be ordered, without his consent, to active duty in time of war or national emergency declared by the Congress, or when otherwise authorized by law, subsequent to August 9, 1955, until the Director of Selective Service has determined that such member is available for active duty. Nothing in this section shall be construed to prevent a member of the Standby Reserve from volunteering for and being ordered to active duty at any time without a determination of availability by the Director of Selective Service.

3. The caption of paragraph (c) of § 8.4404 is hereby amended and a new paragraph (d) is added as follows:

§ 8.4404 *Accredited training program*.

(c) *Between the anniversary date first occurring subsequent to June 30, 1953 and August 9, 1955*. \* \* \*

(d) *Subsequent to August 9, 1955*. (1) Any training program authorized by the Commandant under the training categories prescribed in § 8.5311.

4. The first sentence following the caption of § 8.4405 and the captions of paragraph (c), (d), and (e) thereof are hereby amended. In addition, new paragraphs (g), (h), (i), (j), (k), (l), and (m) are added as follows:

§ 8.4405 *Satisfactory participation in accredited training program*. For the purposes enumerated in paragraph (m) of this section, the following is prescribed as satisfactory participation: \* \* \*

(c) *Between the anniversary date first occurring subsequent to June 30, 1953 and August 9, 1955*.

(d) *Reduction or waiver of active duty requirement until August 9, 1955.* \* \* \*

(e) *Pro rata credit for inactive duty training until August 9, 1955.* \* \* \*

(g) *Subsequent to August 9, 1955.* Membership and satisfactory performance of duty in any training program authorized by the Commandant under the training categories prescribed in § 8.5311 and, except as provided for in paragraph (h) of this section, participation to the extent prescribed for the training category to which assigned.

(h) *Reduction of satisfactory participation subsequent to August 9, 1955.* The Commandant may reduce the requirements for satisfactory participation as follows:

(1) The following personnel may be permitted not more than 10 per centum unexcused absence from scheduled drills or training periods:

(i) Members subject to the provisions of section 208 (f) of the Armed Forces Reserve Act, as amended.

(ii) Members who are deferred or exempted under sections 4 (c) (2) and 6 (c) (1) of the Universal Military Training and Service Act, as amended.

(2) All other personnel may be permitted not more than 25 per centum unexcused absence from scheduled drills or training periods.

(i) *Compliance measure.* (1) Members of the Ready Reserve subject to the training requirements of section 208 (f) of the Armed Forces Reserve Act, as amended (except those enlisted under the provisions of Clause C, paragraph (2), subsection 6 (c) of the Universal Military Training and Service Act, as amended) who in any year fail to participate satisfactorily as prescribed in this section may, under instructions issued by the Commandant, be ordered to perform, without their consent, additional active duty for training for not more than 45 consecutive days.

(2) If failure to participate satisfactorily occurs during the final year of obligatory membership in the Ready Reserve, such membership shall be extended by such period of time, not to exceed 6 months, as may be required for the performance of not more than 45 consecutive days of active duty for training.

(j) *Excused absences.* Under instructions issued by the Commandant, failure to attend scheduled drills or training periods or annual active duty for training as the result of sickness, injury, emergency, or other circumstances beyond the control of the member may be excused. If excused, such failure shall not of itself prevent the crediting of satisfactory participation.

(k) *Cancellation of draft deferment.* (1) The following members registered with the Selective Service System who are in a draft-deferred status and who fail to serve satisfactorily shall be reported to that agency but only after the 45 day compliance measure has failed to induce satisfactory performance of training duty:

(i) Those enlisted pursuant to section 262 of the Armed Forces Reserve Act, as amended.

(ii) Those appointed as commissioned officers pursuant to section 6 (d) of the Universal Military Training and Service Act, as amended, who have not been ordered to perform at least two years of active duty.

(2) Members registered with the Selective Service System who are in a draft-deferred status because they were enlisted pursuant to section 6 (c) (2) (C) of the Universal Military Training and Service Act, as amended, and who fail to serve satisfactorily shall be reported to that agency immediately upon such failure since they are not subject to the 45 day compliance measure.

(3) No member shall be reported to the Selective Service System until he has registered with that agency.

(l) *Revocation of commission.* Members commissioned under section 6 (d) of the Universal Military Training and Service Act, as amended, who are in a draft-deferred status and who fail to serve satisfactorily will have their commissions revoked but only after they have been reported to the Selective Service System.

(m) *Purposes of section.* The criteria prescribed in this section shall be used to determine satisfactory participation for the following purposes:

(1) Transfer from the Ready Reserve to the Standby Reserve.

(2) Fulfillment of the training requirements established by section 208 (f) of the Armed Forces Reserve Act, as amended.

(3) Employment of the 45 day compliance measure.

(4) Continued deferment from induction of members pursuant to sections 4 (c) (2), 6 (c) (2) (C), 6 (d) (1), and 6 (d) (2) of the Universal Military Training and Service Act, as amended.

(5) Continued deferment from induction of members pursuant to section 262 of the Armed Forces Reserve Act, as amended.

(6) Continued exemption from induction of members pursuant to section 6 (c) (1) of the Universal Military Training and Service Act, as amended.

(7) Revocation of commissions pursuant to sections 6 (d) (1) and 6 (d) (2) of the Universal Military Training and Service Act, as amended.

(8) Identification of an organized unit as defined in section 16 (h) of the Universal Military Training and Service Act, as amended.

(9) Transfer from one training category to another under instructions issued by the Commandant.

5. Paragraph (f) of § 8.4406 is hereby deleted.

6. Section 8.5302 is hereby amended to read as follows:

§ 8.5302 *Training duty with pay.*

(a) Except as prescribed in paragraph (b) of this section or except as authorized by the Commandant, personnel shall not be assigned tours of active duty for training with pay in excess of 15 consecutive days per year, exclusive of travel time.

(b) The following members of the Ready Reserve may perform tours of

active duty for training with pay in excess of 15 but not more than 90 consecutive days per year:

(1) Those assigned to training Category H.

(2) Those who are ordered to undergo a course of training appropriate to their military specialties.

(3) Those who are ordered for duty in connection with:

(i) Staff and faculty for service schools or training stations.

(ii) Special exercises ashore or afloat.

(iii) Projects relating to the Reserve program including support for operation of training camps and training ships, when appropriate personnel in active military service are not available for the duties to be performed and if such duties are essential to the organization and training program and are beyond the services which the active force of the Coast Guard normally provide for the support of the Reserve.

(iv) Failure to participate satisfactorily as required by section 208 (f) of the Armed Forces Reserve Act, as amended.

(v) The 3 to 6 months active duty for training program.

(vi) The 6 months active duty for training program for graduates of an officer candidate training program.

(c) Within the quotas prescribed by the Commandant, District Commanders may approve requests for authorized tours of active duty for training and issue orders therefor.

(d) Physical examinations shall be conducted in accordance with § 8.1406.

(e) Fitness reports shall be submitted on all officers in accordance with § 8.1607.

7. A new § 8.5310 is hereby added as follows:

§ 8.5310 *Multiple training periods.* Notwithstanding the restrictions contained in §§ 8.5304 and 8.5306 the Commandant may authorize multiple training periods in lieu of regular drills provided that not more than two drills or periods of equivalent instruction are conducted within one calendar day and that each is of at least four hours' duration.

8. A new § 8.5311 is hereby added as follows:

§ 8.5311 *Training categories.* (a) The following training categories are prescribed:

| Training category | Annual number of periods of inactive-duty training | Annual active duty for training |
|-------------------|----------------------------------------------------|---------------------------------|
|                   |                                                    | Days                            |
| A                 | 48                                                 | 15                              |
| B                 | 24                                                 | 15                              |
| C                 | 12                                                 | 15                              |
| D                 | 12                                                 | 15                              |
| E                 | 12                                                 | 9                               |
| F                 | Correspondence courses and extension courses       |                                 |
| G                 | No training                                        |                                 |
| H                 | 0                                                  | 30                              |
| I                 | Officers' training programs                        |                                 |

(b) The Commandant shall provide for the placement in and transfer be-

tween training categories of the following:

(1) All members of the Ready Reserve not on active duty.

(2) All members of the Standby Reserve voluntarily participating in training.

(3) All units designated as units of the Ready Reserve.

(c) In assigning units and members to training categories, the following policies, considerations, and limitations shall govern:

(1) The number of drills and amount of annual training shall be the minimum required to maintain the proficiency of the unit and the skill of the member.

(2) The personal circumstances of the member shall be taken into account to the degree that is consistent with military requirements.

(3) A member subject to the training requirements of section 208 (f) of the Armed Forces Reserve Act, as amended, shall not be assigned to training Category G unless he has performed at least 2 years of active duty and, under instructions issued by the Commandant, unless no training requirement exists for the member due to the mobilization requirements or because of the degree of military or civilian skill attained.

(4) A member who is exempt from induction under the provisions of section 6 (c) (1) of the Universal Military Training and Service Act, as amended, or who is deferred from induction under the provisions of sections 4 (c) (2) or 6 (d) (1) of the said act shall only be assigned to training Categories A, B, C, or E.

(5) No member shall be involuntarily placed in training Categories A, B, C, or E unless there is an appropriate drilling unit with a vacancy therein within reasonable commuting distance as determined by the Commandant.

(d) The Commandant may prescribe such additional training, not inconsistent with law, within any category as he deems necessary.

(e) Any member assigned to a unit need not be required to participate in training additional to that prescribed for the training category to which he is assigned.

9. A new § 8.7118 is hereby added as follows:

§ 8.7118 *Pay and allowances for Standby Reservists.* Subsequent to June 30, 1956, no member of the Standby Reserve shall be allowed pay for active duty for training or for inactive duty training. They may, however, be authorized to receive transportation, subsistence, and quarters, or allowances in lieu thereof, in the discretion of the Commandant, for periods of active duty for training performed.

10. A new § 8.7119 is hereby added as follows:

§ 8.7119 *Pay groups.* (a) The following pay groups are established within the Ready Reserve:

| Pay group | Annual number of paid periods of inactive-duty training | Annual paid active duty for training |
|-----------|---------------------------------------------------------|--------------------------------------|
| A.....    | 48                                                      | 15 days.                             |
| B.....    | 24                                                      | 15 days.                             |
| C.....    | 12                                                      | 15 days.                             |
| D.....    | 0                                                       | 15 days.                             |
| E.....    | 0                                                       | 30 days.                             |
| F.....    | 0                                                       | 6 months.                            |

(b) The Commandant may authorize the assignment of Ready Reservists to any of the pay groups established in paragraph (a) of this section. Assignment to a particular group does not preclude additional paid training when authorized under instructions issued by the Commandant.

(Sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. App. 454, 14 U. S. C. 633, 50 U. S. C. 1002)

Approved: June 27, 1956.

[SEAL] DAVID W. KENDALL,  
*Acting Secretary of the Treasury.*

Concurred in: July 16, 1956.

CHARLES S. THOMAS,  
*Secretary of the Navy.*

[F. R. Doc. 56-6024; Filed, July 25, 1956;  
8:50 a. m.]

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

#### Subchapter E—Fellowships, Internships, Training

#### PART 64—NATIONAL INSTITUTES OF HEALTH TRAINING GRANTS

Notice of proposed rule making and public rule making proceedings have been omitted in the issuance of this part because it relates solely to grants or benefits.

1. Part 64 is hereby amended to read as follows:

Sec.

64.1 Nature and purpose of training grants.

64.2 Application requirements.

64.3 Award of training grants.

64.4 Conditions to awards; general.

64.5 Additional conditions; institutional expenses.

64.6 Additional conditions; stipends.

64.7 Payments; repayment of unexpended balances; unauthorized expenditures.

64.8 Appropriate institute.

AUTHORITY: §§ 64.1 to 64.8 issued under sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interpret or apply sec. 433, 64 Stat. 444; 42 U. S. C. 289c.

§ 64.1 *Nature and purpose of training grants.* A National Institutes of Health training grant is an award of funds to a qualified educational or training institution, the objective of such grants being to make available for the community effort against diseases of public health significance an increased number of facilities providing adequate training and instruction, and an increased number of

persons having special competence, in matters relating to the diagnosis, prevention and treatment of such diseases. Such a grant may have one or both of the following purposes:

(a) To defray the expenses of the institution in providing training and instruction in matters relating to the diagnosis, prevention or treatment of diseases within the responsibility of the appropriate Institute.

(b) To enable the institution to pay stipends and allowances to individuals with respect to a period in which they receive under the direction of such institution training and instruction in matters relating to such diagnosis, prevention or treatment.

§ 64.2 *Application requirements.* Training grants shall be awarded only to those public or other nonprofit institutions which file applications in such form and manner as may be prescribed by the Surgeon General. Such applications shall set forth, in addition to any other pertinent information that may be required, the name and qualifications of the program director who will be responsible for the training and instruction and the following information depending upon the purposes for which the grant is requested:

(a) *Institutional expenses.* Applications which include a request for funds to meet institutional expenses shall set forth the nature and duration of the training and instruction program with respect to which the application is filed, the total amount requested and the purposes for which the funds will be used, stating separately the amounts requested for personal services and the amounts requested for equipment, supplies or other non-personal expenses.

(b) *Stipends.* Applications which include a request for funds to enable the institution to make payments to individuals receiving training shall state the nature and duration of the training and instruction to be provided, and the applicant shall also furnish information concerning the minimum qualifications required of the individuals to be trained or instructed, the rate of stipend and allowances to be paid, and the total amount requested for these purposes.

§ 64.3 *Award of training grants.* Subject to the regulations in this part, the Surgeon General may award training grants to such eligible public or other nonprofit institutions as are best able in his judgment to carry out the purpose of such grants. Such grants may be made in the name of the appropriate Institute, but no such grant may be made unless it has been recommended by the national advisory council for such Institute.

§ 64.4 *Conditions to awards; general.* All training grants awarded under the authority of this part shall be subject to the following conditions:

(a) No essential or significant reduction in the quality or duration of the training and instruction shall be made by the grantee institution unless approved by the Director of the appropriate Institute upon recommendation by the

national advisory council for such Institute.

(b) No substitution may be made for the program director named in the application as responsible for the training and instruction unless the substitute director is found by the Director of the appropriate Institute to have substantially equivalent qualifications with respect to providing the training and instruction for which the grant was awarded.

(c) The fiscal and other records of the institution that relate to the training and instruction for which the grant was awarded shall be available for audit or other reasonable inspection by representatives of the Public Health Service.

(d) Additional conditions consistent with the regulations in this part may be imposed by the Director of the appropriate Institute prior to the award of any training grant if he determines that such conditions are necessary to carry out the purposes of such grant.

§ 64.5 *Additional conditions; institutional expenses.* Amounts awarded to enable institutions to defray the expenses of providing training and instruction shall be subject to the following conditions in addition to those set forth in § 64.4:

(a) The funds awarded may be expended solely for the training and instruction program set forth in the application for the grant and for such other related purposes as are determined by the Director of the appropriate Institute to be necessary to such program.

(b) No part of the funds awarded may be used for the purchase of land or for the construction of buildings.

(c) No funds may be used for indirect costs or overhead in excess of the rate generally applicable to training grants at the time of the award.

§ 64.6 *Additional conditions; stipends.* Amounts awarded to enable institutions to pay stipends and allowances to individuals receiving advanced training shall be subject to the following conditions in addition to those set forth in § 64.4:

(a) No part of the funds requested for stipend payments may be used for any other purpose unless approved by the Director of the appropriate Institute.

(b) No part of the amount awarded may be used as remuneration for employment or for the performance of personal services by the individuals receiving the training and instruction.

(c) No amount may be paid by the institution to any individual who, by reason of age, physical or mental condition, or other relevant factor would not, in the reasonable judgment of the institution, be able to make use of the training and instruction.

(d) No amount may be paid by the institution to an individual who does not meet the minimum qualifications for the training and instruction as established by the institution, nor shall any amount be paid to any individual who has failed to demonstrate satisfactory participation in the training in accordance with the usual standards and procedures of the institution.

§ 64.7 *Payments; repayment of unexpected balances; unauthorized expenditures.* (a) Payments to an institution of amounts awarded under the regulations of this part may be made in advance and shall be in such amounts as are necessary in the judgment of the Director of the appropriate Institute to carry out the training program as set forth in the approved application of the institution or in any extension or renewal thereof. Any funds paid and found in the judgment of such Director to be not necessary for such purposes shall be returned to the United States.

(b) In the event any part of the amount paid an institution is found by the Director of the appropriate Institute to have been expended by the institution for purposes or by any methods contrary to the regulations of this part or contrary to any condition to the award, then such institution, upon being notified of such finding and in addition to any other requirement, shall pay an equal amount to the United States.

(c) Whenever the Director of the appropriate Institute shall find that the application or other documents on the basis of which a grant was awarded under the regulations of this part contain a material misrepresentation by or on behalf of the institution, or whenever he shall find that the institution has not,

after a reasonable opportunity, corrected a substantial failure to comply with these regulations or with any condition to the award, he shall promptly notify the institution of such finding. Upon receipt of such notice, such institution, in addition to any other action required by law or these regulations, shall return to the United States immediately all funds not actually expended at the time of its receipt of such notice. If requested by the institution, any such findings may be reviewed by the Surgeon General whose decision shall be final.

§ 64.8 *Appropriate institute.* As used in this part "appropriate Institute" shall mean the National Cancer Institute for training grants in the field of cancer; the National Institute of Mental Health for training grants in the field of mental disorders; the National Heart Institute for training grants in the cardiovascular and related fields; the National Institute of Dental Research for training grants in the field of dental diseases and conditions; the National Institute of Allergy and Infectious Diseases for training grants in the field of allergy and infectious diseases; the National Institute of Arthritis and Metabolic Diseases for training grants in the field of arthritis and metabolic diseases; the National Institute of Neurological Diseases and Blindness for training grants in the field of neurological diseases, blindness, and other sensory disorders; and any other Institute established by the Surgeon General under section 431 of the Public Health Service Act, as amended, for training grants in the field of those diseases constituting the responsibility of such Institute.

2. These regulations shall become effective thirty days after publication in the FEDERAL REGISTER.

Dated: July 9, 1956.

[SEAL] LEONARD A. SCHEELE,  
Surgeon General.

Approved: July 20, 1956.

M. B. FOLSON,  
Secretary.

[F. R. Doc. 56-6008; Filed, July 25, 1956;  
8:46 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

##### [ 7 CFR Part 943 ]

[Docket No. AO-231-A8]

#### HANDLING OF MILK IN NORTH TEXAS, MARKETING AREA

#### DECISION WITH RESPECT TO PROPOSED AMENDMENT OF TENTATIVE AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and

procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Dallas, Texas on July 11, 1956, pursuant to notice thereof issued on July 3, 1956, and published in the FEDERAL REGISTER on July 7, 1956 (21 F. R. 5063).

The material issues of record are concerned with:

1. The pricing of Class I milk for the period August-December 1956; and

2. The need for immediate action by the Secretary with respect to Issue No. 1.

*Findings and conclusions.* The following findings and conclusions are based

upon evidence in the record of the hearing:

1. Unfavorable production conditions currently prevailing in the milkshed for the North Texas market threaten to impair the maintenance of an adequate supply of milk for that market.

The Department's report of pasture conditions as of July 1, 1956, indicated conditions of from severe drought (35 to 50 percent of normal) to extreme drought (under 35 percent of normal) as the predominant condition in that territory wherein are located the farms producing milk for the North Texas market. Many of the counties in the production

area have or are in the process of being declared drought disaster areas. Rainfall for the first 6 months of this year in the production area has been as low as one-third to one-half of normal. This extreme deficit of rainfall together with above normal temperatures has caused widespread crop failures and loss of pastures to dairymen in the area. Dry-lot feeding is widely prevalent throughout the milkshed on farms where customarily there had been some pasturage.

Because of the dry weather substantial acreage of crop land throughout the milkshed was not planted. In many areas farmers suffered complete losses of the seed they planted. Where plantings were not completely lost crops such as oats, milo, and corn did too poorly to harvest, but were instead abandoned for such limited foraging as they would afford. Farmers who customarily stored silage for fall and winter use find themselves with empty silos.

One large dairy farmer stated that his hay crop averaged about 10 bales to the acre on good fertilized land that would normally average 90 to 100 bales to the acre. Other farmers testified to similar experiences. In addition to being required to buy significantly greater quantities of hay farmers in the area are now paying as high as 40 dollars per ton with a definite prospect of the price moving higher. Hay currently must be imported from increasingly greater distances, resulting in continuing higher prices as the supply in the more normally used sources in Oklahoma, Arkansas, and Colorado become exhausted.

Production of milk for the North Texas market reached its peak production of the season in May of this year. A heavy production in relation to the demand for Class I milk continued throughout much of the month of June but dropped off sharply later in the month as the effect of the drought and extremely hot weather became more pronounced.

While local production for the market is declining at a rapid rate, it is now reported that the Producers Creamery Company of Springfield, Missouri, a major supplier of supplementary supplies of milk to the North Texas market, does not expect to have during the fall months of this year the quantities of milk which are usually available from that source for the North Texas market. Alternative sources for supplementary supplies of milk for the North Texas market for the months of August through November quoted prices of 80 cents per hundredweight above the North Texas Class I price for tank truck loads on a contract basis. For spot load shipments the price quoted was \$1.05 above the North Texas Class I price.

While a declining supply of producer milk for the North Texas market for the forthcoming fall months is in prospect, the demand for milk for fluid use for the North Texas market for these months is expected to increase substantially. The contract to supply fluid milk to Fort Hood, a military reservation, has been obtained by a handler under the North Texas order. The large quantity of milk

that will be needed from the North Texas market to supply this contract will be expanded further in the immediate future by an increase in personnel at the base of 12,000 men. Representatives of the various producer organizations in San Antonio, Austin-Waco and Central West Texas markets indicated that their dependence on the North Texas market for milk would be greater in the approaching fall months than in prior years because of the currently adverse production condition in the milksheds for these markets.

The Class I price under the North Texas order is modified by a supply-demand adjustment which is computed for each month on the basis of the relationship of milk received from producers to Class I sales from pool plants during the second and third preceding months. The supply-demand adjustment applicable to the July 1956 Class I price is plus three cents, and the same amount is indicated for August. Producers contend that under abnormal conditions such as now prevail in the market the supply-demand adjustment is not reflected in the Class I price as promptly as it should be. They also claimed that the present supply-demand adjustment provision resulting in a plus adjustment of 13 cents to the Class I price for the past 18 months indicates that the level of the Class I price under the order is too low in that it has failed to obtain an adequate supply of milk for the market.

Producers proposed that the Class I price for the months of August through December 1956 be increased 26 cents per hundredweight above that now provided by the order. Unless action is taken the Class I price for August would be 26 cents below that for July, and the Class I price for September and October may be expected to be below that for July by somewhat lesser amounts. The effect of the supply-demand adjustment provision, although it may not reflect the supply-demand relationship caused by the drought in the months immediately ahead, may reasonably be expected to be as appropriate for the months of November and December 1956 as it has been in the past.

Farmers supplying the North Texas market need some encouragement under the present adverse conditions in order that they will have an incentive to maintain their production which is needed to insure an adequate supply of milk for the market. In order to accomplish this it is concluded that the level of the Class I price for the months of August through October 1956 should not be lower than that for the month of July 1956. This would be accomplished by providing that the supply-demand adjustment applicable to the price for Class I milk for each of the months of August, September and October 1956 shall be not less than plus 29 cents.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto, on the above issue.

The conditions complained of are such that it is urgent that remedial action be taken as soon as possible. It is therefore found that good cause exists for omission of the recommended decision in order to inform interested parties of the conclusions reached. Uncertainty on the part of interested parties might lead to instability in the market. Knowledge of the action decided upon by the Secretary, will permit those affected to adjust their operations promptly in accordance with such decision.

Delay beyond August 1, 1956, will defeat the purpose of the amendment. Accordingly, the time necessarily involved in the preparation, filing, and publication of a recommended decision, and exceptions thereof, would make such relief substantially ineffective and therefore should be eliminated in this instance. The notice of hearing stated that consideration would be given to the question of whether economic and marketing conditions require emergency action with respect to any or all amendments deemed necessary as a result of the hearing. Action under the procedure described above was requested by proponents at the hearing.

*Rulings on proposed findings and conclusions.* Briefs which were filed on behalf of interested parties contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the proposed marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the said marketing agreement upon which a hearing has been held.

**Determination of representative period.** The month of May 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, now in effect, regulating the handling of milk in the North Texas marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

**Marketing agreement and order, as amended.** Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the North Texas Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

**It is hereby ordered,** That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 23d day of July 1956.

[SEAL]

EARL L. BUTZ,  
Assistant Secretary.

**Order<sup>1</sup> Amending the Order, as Amended, Regulating the Handling of Milk in the North Texas Milk Marketing Area**

§ 943.0 **Findings and determinations.** The findings and determinations herein-after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendments thereto and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) **Findings upon the basis of the hearing record.** Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hear-

ing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act:

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the said marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

**Order relative to handling.** It is therefore ordered, that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Delete § 943.51 (a) (3) and substitute therefor the following:

(3) From the effective date hereof through October 1956 the supply-demand adjustment applicable to the price for Class I milk shall be not less than plus 29 cents.

[F. R. Doc. 56-6034; Filed, July 25, 1956; 8:52 a. m.]

## [ 7 CFR Part 1014 ]

[Docket No. AO-280]

POTATOES GROWN IN NASSAU AND SUFFOLK COUNTIES, LONG ISLAND, NEW YORK

## DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing upon a proposed marketing agreement and proposed marketing order regulating the handling of potatoes grown in Nassau and Suffolk Counties, Long Island, New York, was held at Riverhead, Long Island, New York, April 30 through May 5, 1956, pursuant to notice thereof which was pub-

lished April 11, 1956, in the FEDERAL REGISTER (21 F. R. 2339).

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 26, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this hearing. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published June 29, 1956, in the FEDERAL REGISTER (21 F. R. 4831). No exceptions to the recommended decision were filed.

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 56-5151; 21 F. R. 4831) are hereby approved, adopted, and incorporated herein as the material issues and the findings and conclusions of this decision as if set forth in full herein.

In view of the aforesaid findings and conclusions, a marketing agreement should not be entered into and an order should not be issued at this time for regulating the handling of potatoes grown in Nassau and Suffolk Counties, Long Island, New York. This decision shall be published in the FEDERAL REGISTER and there shall be no further action in this proceedings.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Supp. 608c)

Dated: July 23, 1956.

[SEAL]

EARL L. BUTZ,  
Assistant Secretary.

[F. R. Doc. 56-6036; Filed, July 25, 1956; 8:53 a. m.]

## NOTICES

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Classification No. 112]

## ALASKA

## SMALL TRACT CLASSIFICATION

JULY 18, 1956.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, I hereby classify the following described public lands, totalling 55 acres in the Anchorage Land District, Alaska, as suitable for lease and sale for residential purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 USC 682a), as amended:

## KETCHIKAN AREA (GRAVINA ISLAND)

## TRACT 1

For Lease and Sale

For Residence Sites

(Unsurveyed.)

Located on the northeastern shore of Gravina Island near Ketchikan, Alaska, and between U. S. Survey 1600 and U. S. S. 1366 more particularly described as follows: "Starting at N. E. M. C., U. S. Survey 1600; thence S. 55° 03' W. a distance of approxi-

<sup>1</sup> This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

mately 8.7 chains to a point along the northwest boundary of U. S. S. 1600; thence approximately N. 45° W. a distance of approximately 59.8 chains to Corner No. 4, U. S. S. 1366; thence due east a distance of 12.26 chains to Corner 3, M. C., U. S. S. 1366; thence meandering the shore of Gravina Island at the approximate mean high tide line of Tongass Narrows in a southeasterly direction a distance of approximately 60 chains more or less to N. E. M. C., U. S. S. 1600 and true point of beginning and containing 55 acres, more or less."

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to the date of the signing of this order will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

ROGER R. ROBINSON,  
Operations Supervisor.

[F. R. Doc. 56-6015; Filed, July 25, 1956;  
8:48 a. m.]

[Document No. 135]

#### ARIZONA

#### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 20, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-011394, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for furtherance of a use authorized by the Forest Service, which is to protect landing approach ways to the Flagstaff Municipal Airport.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### GILA AND SALT RIVER MERIDIAN

T. 20 N., R. 7 E.,  
Sec. 4: NW¼NE¼, NW¼SW¼NE¼;

Sec. 8: SE¼SW¼NW¼, NW¼SW¼, N¼NE¼SW¼, SW¼NE¼SW¼, N¼SW¼SW¼;  
Sec. 9: S¼SW¼NE¼, NW¼SE¼, W¼NE¼SE¼, N¼SW¼SE¼, NW¼SE¼SE¼, NE¼SW¼;  
T. 21 N., R. 7 E.,  
Sec. 33: S¼SW¼SE¼.

The area described totals 320 acres in the Coconino National Forest.

E. R. TRAGITT,  
State Lands and Minerals  
Staff Officer.

[F. R. Doc. 56-6013; Filed, July 25, 1956;  
8:48 a. m.]

[Document No. 134]

#### ARIZONA

#### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JULY 20, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-011772, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for an administrative site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

#### GILA AND SALT RIVER MERIDIAN

Clifton Administrative Site:  
T. 3 S., R. 29 E.,  
Sec. 16: SE¼SW¼.

The area described totals 40 acres in the Gila National Forest.

E. R. TRAGITT,  
State Lands and Minerals  
Staff Officer.

[F. R. Doc. 56-6012; Filed, July 25, 1956;  
8:47 a. m.]

#### GROUP 299, ARIZONA

#### NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 19, 1956.

Notice is given that the plats of survey accepted January 30, 1956 of T. 5 S., R. 28 E., T. 6 S., R. 27 E., T. 6 S., R. 28 E., and T. 6 S., R. 29 E., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice;

#### GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 5 S., R. 28 E.,  
All Sec. 16;  
T. 6 S., R. 27 E.,  
N¼, SE¼, Sec. 16;  
T. 6 S., R. 28 E.,  
All Sec. 16;  
Lots 1, 2, 3, 4, E¼W¼, E¼ (All), Sec. 29;  
Lots 1, 2, 3, 4, W¼E¼ (E¼), NW¼, Sec. 32;  
Lots 1, 2, 3, 4, W¼W¼ (W¼), NE¼, Sec. 36;  
T. 6 S., R. 29 E.,  
Lots 1, 2, 3, 4, S¼N¼, S¼ (All), Sec. 2;  
Lots 1, 2, 3, 4, S¼N¼, S¼ (All), Sec. 3;  
All Sec. 16.

Within the above-described areas are 1,892.28 acres of public lands.

Available data indicates the land in Sec. 16, T. 5 S., R. 28 E. is rough and mountainous, and the soil is gravelly and rocky. The land in the N¼, and SE¼, Sec. 16, T. 6 S., R. 27 E., is mountainous and the soil is gravelly and stony. The land in Secs. 16, 29, 32 and 36, T. 6 S., R. 28 E. is rolling, and the soil is sandy, gravelly and rocky. The land in Secs. 2 and 3, T. 6 S., R. 29 E. is nearly level, and the soil is gravelly and rocky, and the land in Sec. 16, T. 6 S., R. 29 E., is gently rolling, and the soil is gravelly and rocky.

Subject to valid, existing rights, the State's title attached to the following lands upon the acceptance of the plats of survey: NW¼, N¼SW¼, SW¼SW¼, and the NW¼SE¼, Sec. 16, T. 5 S., R. 28 E., N¼, N¼SE¼, SW¼SE¼, Sec. 16, T. 6 S., R. 27 E., NW¼NW¼, Sec. 16, N¼NE¼, SE¼NE¼, Sec. 36, T. 6 S., R. 28 E., Lots 1, 2, 3, 4, S¼N¼, SW¼, N¼SE¼, SE¼SE¼, Sec. 2, and E¼NE¼, Sec. 16, T. 6 S., R. 29 E.

On June 22, 1956 the Director confirmed Power Site Reserve No. 757 to the plat of survey, and the lands embraced therein are now described as E¼, NE¼NW¼, S¼NW¼, SW¼, Sec. 16, All Sec. 29, N¼, and SE¼, Sec. 32, T. 6 S., R. 28 E. On July 6, 1956 the Director confirmed the portion of Power Site Reserve No. 83 and Power Site Designation No. 4, that affects Sections 29 and 32, to the plat of survey, and the lands embraced therein are now described as Lots 1, 2, 3, 4, NE¼, E¼W¼, Sec. 29, and W¼NW¼, Sec. 32, T. 6 S., R. 28 E.

No applications for the remainder of these lands, namely, the NE¼, NE¼SE¼, SE¼SW¼, and S¼SE¼, Sec. 16, T. 5 S., R. 28 E., SE¼SE¼, Sec. 16, T. 6 S., R. 27 E., SW¼NE¼, W¼W¼, and Lots 1, 2, 3, 4, Sec. 36, T. 6 S., R. 28 E., SW¼SE¼, Sec. 2, Lots 1, 2, 3, 4, S¼N¼, S¼ (All), Sec. 3, and W¼NE¼, NW¼, and S¼, Sec. 16, T. 6 S., R. 29 E., may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to applica-

tion, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m., on August 24, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on November 23, 1956, will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on November 23, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,  
Manager.

[F. R. Doc. 56-6011; Filed, July 25, 1956;  
8:47 a. m.]

#### OREGON

#### ORDER PROVIDING FOR THE OPENING OF PUBLIC LANDS RESTORED FROM HELLS CANYON RECLAMATION PROJECT

JULY 18, 1956.

1. An order of the Bureau of Reclamation dated September 12, 1952, concurred in by the Acting Director, Bureau of Land Management, April 2, 1956, revoked Departmental Order of April 12, 1951, so far as it withdrew under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), the following described land in connection with the Hells Canyon Project, Oregon, and provided that such revocation should not affect the withdrawal of any other lands by said order or affect any order withdrawing or reserving the lands described as follows:

#### WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 45 E.

Sec. 14: E $\frac{1}{2}$ N $\frac{1}{2}$ W $\frac{1}{2}$ NW $\frac{1}{2}$ , N $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$ , SW $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$   
NE $\frac{1}{2}$ , NW $\frac{1}{2}$ SE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$ , N $\frac{1}{2}$   
NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$ , N $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$   
SE $\frac{1}{2}$ NW $\frac{1}{2}$ NE $\frac{1}{2}$ .

49.6875 acres.

2. The land is situated on the breaks of the Snake River Canyon immediately above the 2,100 foot contour line, approximately 3 $\frac{1}{2}$  miles from Home, Oregon. The terrain is rough and mountainous, with a shallow rocky soil, supporting a stand of sagebrush and native grasses. No part of the land is suited for any agricultural use.

3. No application for the lands may be allowed under the homestead, desert land, small tract, or any nonmineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands shall not be subject to occupancy or disposition until they have been classified.

4. Subject to any valid existing rights and the requirements of applicable law, the lands described in paragraph 1, hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended) presented prior to 10:00 a. m., on August 23, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on November 23, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on November 23, 1956, will be considered as simultaneously filed at that hour. Rights under such applications

and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws beginning 10:00 a. m., November 23, 1956.

Persons claiming veteran's preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands and applications for them shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 3861, 1001 Northeast Lloyd Boulevard, Portland 8, Oregon.

VIRGIL T. HEATH,  
State Supervisor.

[F. R. Doc. 56-6010; Filed, July 25, 1956;  
8:47 a. m.]

#### OREGON

#### NOTICE OF DESIGNATION, AMENDMENT

Effective July 15, 1956, paragraph 1 of the FEDERAL REGISTER Document No. 56-5244 appearing on page 4934 of Volume 21, Number 128, published July 3, 1956, is hereby amended to read:

1. Under authority conferred by Director's Order No. 615, June 12, 1956, and Amendment No. 1, July 2, 1956, the Acting Area Administrator and the Area Administrative Officer are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount,<sup>1</sup> and leases of space in real estate.

JAMES F. DOYLE,  
Area Administrator, Area I,  
Bureau of Land Management.

[F. R. Doc. 56-6009; Filed, July 25, 1956;  
8:47 a. m.]

#### GROUP 297, ARIZONA

#### NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

JULY 19, 1956.

Notice is given that the plats of survey accepted December 23, 1955 of T. 4 S., R. 21 E., and T. 4 S., R. 22 E., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

<sup>1</sup> Where the amount involved is in excess of \$10,000, five working days advance notice to the Office of the Secretary is required in accordance with the Secretary's memorandum of March 2, 1954, and October 17, 1955.

## GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 4 S., R. 21 E.,

All Sec. 32;

All Sec. 36.

T. 4 S., R. 22 E.,

Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$  (All), Sec. 1;Lots 1, 2, 3, 4, (E $\frac{1}{2}$ E $\frac{1}{2}$ ), Sec. 2;

Lots 1, 2, 3, 4, Sec. 29;

Lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 30;Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$  (All), Sec. 31;

All Sec. 32.

Within the above-described areas are 1,413.20 acres of public lands.

Available data indicates the land in Secs. 32 and 36, T. 4 S., R. 21 E. consists of rolling ridges, and the soil is sandy and rocky clay. The land in Secs. 1 and 2 is made up of rolling hills, and the land in Secs. 29, 30, 31 and 32 is low and rolling. The soil in all of these sections in T. 4 S., R. 22 E. is sandy and gravelly clay.

Subject to valid, existing rights, the State's title attached to the following lands upon the acceptance of the plats of survey: All Secs. 32 and 36, T. 4 S., R. 21 E., Lots 1, 2, 3, Sec. 2, and All Sec. 32 except 56 acres in the N $\frac{1}{2}$ N $\frac{1}{2}$ , T. 4 S., R. 22 E.

June 25, 1956 the Director conformed so much of Water Power Designation No. 4 as affects lands in Secs. 1 and 2 to the plat of survey and describes land as follows: S $\frac{1}{2}$ S $\frac{1}{2}$ , Sec. 1, and Lot 4, Sec. 2, T. 4 S., R. 22 E.

No applications for the remainder of these lands, namely, the Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , Sec. 1, Lots 1, 2, 3, 4, Sec. 29, Lots 1, 2, 3, 4, 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 30, Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$  (All), Sec. 31, and 56 acres in the N $\frac{1}{2}$ N $\frac{1}{2}$ , Sec. 32, T. 4 S., R. 22 E., may be allowed under the homestead, small tract, desert land, or any other nonmineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on August 24, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on November 23,

1956, will be governed by the time of filing.

All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2), above, presented prior to 10:00 a. m., on November 23, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,  
Manager.

[F. R. Doc. 56-6025; Filed, July 25, 1956;  
8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

## Commodity Stabilization Service

## ENTRY OF SUGAR OR LIQUID SUGAR INTO CONTINENTAL UNITED STATES

## NOTICE NO. 1 OF REQUIREMENT OF CERTIFICATION, 1956

Pursuant to § 817.4 of this part (13 F. R. 127; 14 F. R. 1169, 16 F. R. 12847), notice is hereby given that the direct-consumption portion of the 1956 sugar quota for Cuba, amounting to 375,000 short tons of sugar, raw value, has been filled to the extent of 80 per centum or more. Accordingly, pursuant to § 817.4 of this part, after the close of business on July 25, 1956, and for the remainder of the calendar year 1956, Collectors of Customs shall not permit the entry into the continental United States from Cuba of any direct-consumption sugar unless and until the certification described in § 817.4 (a) is issued.

Issued this 23d day of July, 1956.

[SEAL] LAWRENCE MYERS,  
Director, Sugar Division,  
Commodity Stabilization Service.

[F. R. Doc. 56-6037; Filed, July 25, 1956;  
8:53 a. m.]

## FEDERAL POWER COMMISSION

[Project No. 2209]

## PUBLIC UTILITY DISTRICT NO. 1 OF WAH-KIAKUM COUNTY, WASHINGTON

## NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JULY 19, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by

Public Utility District No. 1 of Wahkiakum County, Washington, of Cathlamet, Washington, for preliminary permit for proposed water power Project No. 2209 to be located on the Grays River, a tributary of the Columbia River, and on South Fork Grays River and Blaney Creek, in the Counties of Wahkiakum and Pacific, State of Washington. The proposed project would consist of an earth or rock fill dam approximately 100 feet high in Section 19, T. 11 N., R. 6 W., W. M. and two small diversion dams on lower tributaries, (1) in Section 29, T. 11 N., R. 6 W., W. M. (2) in Section 5, T. 10 N., R. 11 W., W. M.; creating approximately 19,000 acre feet of seasonal storage; a conduit about 4 miles long; a forebay; penstocks; a powerhouse with installed capacity of about 20,000 horsepower or 15,000 kilowatts operating under an estimated gross head of about 400 feet; a diversion dam on South Fork Grays River with a conduit to the main canal; a diversion dam on Blaney Creek with a conduit to the main canal; and other appurtenant facilities. The power to be developed would be used by the applicant to serve its present and future customers. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 6, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIE,  
Acting Secretary.

[F. R. Doc. 56-6016; Filed, July 25, 1956;  
8:48 a. m.]

[Project No. 2204]

## CITY AND COUNTY OF DENVER

## NOTICE OF APPLICATION FOR LICENSE

JULY 19, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a-825r) by the City and County of Denver, Colorado, for license for proposed water power Project No. 2204 to be located on the Williams River (also known as the Williams Fork River), a tributary of the Colorado River, in the region of the villages of Hot Sulphur Springs and Parshall in the County of Grand, State of Colorado, affecting lands of the United States. The proposed project would consist of a concrete dam (an enlargement of an existing dam), having a gated spillway on the left bank and creating a reservoir with capacity of 93,637 acre-feet at maximum water surface elevation 7,811 feet; a powerhouse at the downstream toe of the dam containing a single turbine rated at 4,250 horsepower and connected to a 3000-kilowatt generator; a transformer; a transmission line about 2 miles long connecting the powerhouse to the United States Government's 69-

kilovolt transmission line near Parshall, Colorado; and appurtenant facilities.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is September 6, 1956. The application is on file with the Commission for public inspection.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 56-6017; Filed, July 25, 1956;  
8:48 a. m.]

[Docket No. G-8471 etc.]

VILLAGE OF FRANKLIN, ILL., ET AL.

# NOTICE OF CONTINUANCE OF RECONVENED HEARING

JULY 18, 1956.

In the matters of Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; Lake County Utility District, Docket No. G-8963.

Upon consideration of the request, filed July 17, 1956, by Counsel for the City of Hickman, et al.;

Notice is hereby given that the hearing now scheduled for September 17, 1956, is hereby postponed to commence on September 26, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 56-6018; Filed, July 25, 1956;  
8:48 a. m.]

[Docket No. G-10751]

TEXAS GAS TRANSMISSION CORP.

# ORDER SUSPENDING PROPOSED REVISED TARIFF SHEETS AND PROVIDING FOR HEARING

Texas Gas Transmission Corporation (Texas Gas) on June 15, 1956, submitted for filing revised sheets<sup>1</sup> to the Second Revised Volume No. 1 of its FPC Gas Tariff, proposing an increase in rates and charges of \$3,161,000, or 12.2 percent a year more than the rates currently in effect subject to certain contingent refunds (see order issued November 16, 1955, Docket No. G-2017). Texas Gas

<sup>1</sup> First Revised Sheets Nos. 7, 9, 13, 15, 19, 21, 25, 27 and 71; Second Revised Sheets Nos. 5, 11, 29, 33, 53, 55, 61, 63 and 70; Third Revised Sheets Nos. 17, 23, 31, 35, 37, 41, 57, 59, 65, 67, 69, 73, 74, 77 and 78; and Fourth Revised Sheets Nos. 39 and 43. Texas Gas also filed a revised Table of Contents and Index of Purchasers. Withdrawal of Second Revised Sheets Nos. 45 and 47 and Third Revised Sheets Nos. 49 and 51, included among the revised sheets submitted for filing herein on June 15, 1956, but which are not subject to suspension under section 4 of the act because they pertain to the sale of gas for industrial use only has been requested by letter filed July 12, 1956.

requests an effective date of August 1, 1956.

The proposed increase in rates and charges is principally based on claimed increases in cost of gas purchased from independent producers, and which may not occur before January 1, 1957, and a claimed rate of return of 6½ percent as compared with the presently authorized return of 6 percent.

Protests to and requests for suspension of the proposed rate increase have been filed to date by ten customers of Texas Gas.

Texas Gas has not fully supported its proposed increase in several respects, including, but not limited to, purchased gas costs, rate of return, estimated sales volumes, working capital requirements, Federal income taxes and allocation of costs.

The increased rates and charges provided for in the revised tariff sheets tendered for filing by Texas Gas on June 15, 1956, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed change in rates and charges and that the above-designated revised tariff sheets be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed change in rates and charges.

(B) Pending such hearing and decision thereon, the proposed revised sheets to the Second Revised Volume No. 1 of the FPC Gas Tariff of Texas Gas, as heretofore enumerated, be and hereby are suspended and the use thereof deferred until January 1, 1957, and until such further time thereafter as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the schedules hereby suspended, nor those sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

By the Commission.\*

Issued: July 18, 1956.

[SEAL]

J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 56-6019; Filed, July 25, 1956;  
8:49 a. m.]

\* Commissioner Kline not participating.

## GENERAL SERVICES ADMINISTRATION

[Project 3-DC-03]

### FEDERAL OFFICE BUILDINGS

#### PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

**EDITORIAL NOTE:** This prospectus of proposed Project Number 3-DC-03 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

[Project Number 3-DC-03 (Revised)]

JUNE 29, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I, PUBLIC LAW 519, 83d CONGRESS, 2d SESSION

FEDERAL OFFICE BUILDING NO. 8, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired. The building will be multi-storied and will provide approximately 263,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.*  
a. Maximum cost of site and building, \$12,190,000.

b. Proposed contract term, 25 years.  
c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* There is attached certificate of need signed by the head of the agency which will use the facility. Certification is hereby made as to the need for service space. Upon completion of the facility, assignment and reassignment of space will be made in accordance with existing law.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), \$276,100.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), \$141,000.

b. Upkeep and maintenance (to be provided by Government), \$39,400.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, \$208,077.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 6, 1956.

Recommended:

F. MORAN MCCONNIE,  
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,  
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

# CERTIFICATE OF NEED

PROPOSED FEDERAL OFFICE (FOOD AND DRUG ADMINISTRATION) BUILDING, WASHINGTON, D. C.

Project No. 3-DC-03.

I, the undersigned, the Secretary of Health, Education, and Welfare, in pursuance of the provisions of the Public Buildings Purchase Contract Act of 1954 (Public Law 519, 83d Congress) certify that there is a permanent need in this project for approximately 200,000 square feet of net agency space to accommodate the operations of the Food and Drug Administration.

M. B. FOLSOM,  
Secretary of Health,  
Education, and Welfare.

Certified at Washington, D. C. April 12, 1956.

## EXECUTIVE OFFICE OF THE PRESIDENT

### BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JULY 13, 1956.

Project #3-DC-03 (Revised June 29, 1956)  
Federal Office Building No. 8,  
Southwest Washington Area,  
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (a) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 9, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. That the stated project cost of \$12,190,000 (including cost of a site to be acquired at an estimated cost of \$75,000) is a maximum figure.

2. That the site located in the Southwest Washington Area will be developed to its maximum space utilization and that any space in excess of the needs of the Food and Drug Administration at the time the building is completed will be allocated to agencies then housed in temporary buildings. When the allocation of agencies is determined, temporary space of equivalent occupancy will be demolished.

3. That every effort will be made to design and construct space conducive to maximum efficient utilization and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL F. BRUNDAGE,  
Director.

HON. FRANKLIN G. FLOETE,  
Administrator,  
General Services Administration,  
Washington 25, D. C.

[F. R. Doc. 56-5874; Filed, July 17, 1956;  
2:20 p. m.]

[Project 3-DC-07]

## FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN  
SOUTHWEST REDEVELOPMENT AREA OF DIS-  
TRICT OF COLUMBIA.

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-07 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees

on Public Works of the Senate and House of Representatives.

[Project No. 3-DC-07]

FORMAL PROSPECTUS FOR PROPOSED BUILDING  
UNDER TITLE I PUBLIC LAW 519, 83D CON-  
GRESS, 2D SESSION

FEDERAL OFFICE BUILDING NO. 10,  
WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a Federal Office Building on a site to be acquired in Southwest Washington. The building will be multistoried and will provide approximately 1,095,000 square feet of net assignable space.

2. *Estimated maximum cost and financing.*  
a. Maximum cost of the site and building, \$40,900,000.

b. Proposed contract term, 25 years.  
c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and re-assignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service space.

4. *Nonavailability of existing space.* Suitable space owned by the Government is not available and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), \$1,095,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), \$546,000.

b. Upkeep and maintenance (to be provided by Government), \$164,000.

7. *Current housing costs.* Housing costs currently paid by the Government for agencies to be housed in the building to be erected, \$841,261 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on July 13, 1956.

Recommended:

F. MORAN MCCONHIE,  
Commissioner of Public Buildings Service.

Approved:

FRANKLIN G. FLOETE,  
Administrator of General Services.

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET  
WASHINGTON 25, D. C.

JULY 18, 1956.

Project #3-DC-07,  
Federal Office Building, No. 10,  
(Two buildings connected by pedestrian  
tunnel),  
Southwest Washington Area,  
Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the proposal for a Federal Office Building, received July 13, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President."

This approval is given with the following understanding:

1. That the stated project cost of \$40,900,000 (including cost of a site to be acquired at an estimated cost of \$1,700,000 is a maximum figure.

2. That the reported annual operating cost of existing temporary buildings to be supplanted, i. e., \$1.00 per square foot, represents minimum maintenance in anticipation of demolition and that temporary Government buildings actually cost more to maintain than the proposed new building.

3. That the site to be acquired in the southwest Washington area will be developed to its maximum space utilization; that the proposed building will provide relocation of numerous Federal agencies now in temporary buildings; that no specific allocation of space can be made at this time; when specific allocation of agencies in the proposed building is determined by the General Services Administration, temporary space of equivalent occupancy will be demolished.

4. That every effort will be made to design and construct space conducive to maximum efficient utilization, and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization.

Sincerely yours,

PERCIVAL BRUNDAGE,  
Director.

HON. FRANKLIN G. FLOETE,  
Administrator,  
General Services Administration,  
Washington 25, D. C.

[F. R. Doc. 56-5922; Filed, July 19, 1956;  
10:00 a. m.]

## INTERNATIONAL JOINT COMMISSION

[IJC Docket 50]

RAINY LAKE AND NAMAKAN CHAIN OF LAKES

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the International Joint Commission will conduct a public hearing in the Community Hall of the City of International Falls, Minnesota on Tuesday, August 14, 1956, commencing at 9:00 a. m., local time.

Parties interested in the regulation of the levels of Rainy Lake and the Namakan Chain of Lakes pursuant to the Order of the Commission dated June 8, 1949, will be given convenient opportunity to be heard.

AMES W. WILLIAMS,  
Secretary, United States Section.

[F. R. Doc. 56-6002; Filed, July 25, 1956;  
8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3496]

APPALACHIAN ELECTRIC POWER CO.

NOTICE OF FILING OF APPLICATION REGARDING  
ISSUANCE AND SALE OF NOTES TO BANKS

JULY 20, 1956.

Notice is hereby given that Appalachian Electric Power Company ("Appalachian"), a public utility subsidiary of American Gas and Electric Company ("American"), a registered holding com-

pany, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated section 6 (b) and Rule U-50 (a) (2) thereunder as applicable to the proposed transactions.

All interested persons are referred to the application on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian has orally established a line of credit with each of the following banking institutions under which it proposes to borrow from time to time, prior to June 30, 1957, not in excess of \$26,000,000:

|                                                       |                   |
|-------------------------------------------------------|-------------------|
| Irving Trust Co., New York, N. Y.                     | \$5,000,000       |
| Mellon National Bank & Trust Co., Pittsburgh, Pa.     | 5,000,000         |
| First National City Bank of New York, New York, N. Y. | 5,000,000         |
| Manufacturers Trust Co., New York, N. Y.              | 5,000,000         |
| Guaranty Trust Co. of New York, New York, N. Y.       | 3,000,000         |
| Bankers Trust Co., New York, N. Y.                    | 2,200,000         |
| The Hanover Bank, New York, N. Y.                     | 800,000           |
| <b>Total</b>                                          | <b>26,000,000</b> |

Of the \$26,000,000 proposed to be borrowed Appalachian has, at June 30, 1956, borrowed \$10,000,000 from such banks and has issued notes in evidence thereof. This amount and additional borrowings of \$6,000,000 are started to be exempt from section 6 (a) of the act by the first sentence of section 6 (b) thereof.

Appalachian now requests approval for additional borrowings under the above line of credit in an amount not to exceed \$10,000,000, such borrowings to be evidenced by Notes to be dated as of the date of the borrowings and to mature not more than 270 days after the date of issuance. The Notes are to bear interest from the date thereof at the then current prime rate, which is presently 3½ percent per annum, and may be prepaid from time to time, in whole or in part, without premium.

According to the filing, Appalachian's outstanding notes payable to banks at the time of its next permanent financing will be paid off from the proceeds of such financing which is expected to occur prior to April 30, 1957.

The proceeds from the notes will be used by Appalachian to pay part of the costs of its construction program estimated to amount to \$38,534,000 in 1956 and \$55,444,000 in 1957.

The expenses to be incurred by Appalachian are estimated at not in excess of \$200. No fees, commissions or other expenses are to be paid except that routine services incident to the proposed transactions will be performed by the service company for the American system.

Appalachian has applied to the Virginia State Corporation Commission for authority to effect the proposed transactions and states that a copy of the order entered in respect thereof will be supplied by amendment. It is represented that no other State commission or Federal agency, other than this Com-

mission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than August 7, 1956, at 5:30 p. m., request in writing that a hearing be held in respect of the above matter, stating the nature of his interest, the reasons for the request, the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-6026; Filed, July 25, 1956;  
8:50 a. m.]

[File No. 70-3488]

#### MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE APPLICATION-DECLARATION REGARDING PROPOSALS BY SUBSIDIARY OF REGISTERED HOLDING COMPANY TO ISSUE AND SELL AT COMPETITIVE BIDDING ADDITIONAL FIRST MORTGAGE BONDS, TO INCREASE ITS AUTHORIZED COMMON STOCK, AND TO ISSUE AND SELL ADDITIONAL COMMON STOCK; AND PROPOSAL BY PARENT TO ACQUIRE SUCH STOCK

JULY 20, 1956.

Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non-public-utility company, and its parent, American Natural Gas Company ("American Natural"), a registered holding company, have filed with this Commission, pursuant to sections 6 (a), 6 (b), 7, 9, and 10 of the Public Utility Holding Company Act of 1935 ("act"), a joint application-declaration and amendments thereto regarding the following proposed transactions:

Michigan Wisconsin proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, \$25,000,000 principal amount of its First Mortgage Pipe Line Bonds, -- percent Series due 1976. The interest rate (which shall be a multiple of ½ of 1 percent and the price to be received by the company for the bonds (which, exclusive of accrued interest, shall be not less than 100 percent nor more than 102½ percent of the principal amount) are to be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of Trust, dated September 1, 1948, as heretofore supplemented, and as to be further supplemented by an Eighth Supplemental Indenture to be dated August 1, 1956.

Michigan Wisconsin also proposes, prior to or simultaneously with the issuance of the new bonds, to increase the authorized number of shares of its \$100 par value common stock from 255,000 to 310,000, and to issue and sell to American Natural, and American Natural proposes to acquire, 60,000 additional shares of Michigan Wisconsin's authorized but unissued common stock for a cash consideration of \$6,000,000. Prior to the purchase by American Natural of the additional shares of common stock, Michigan Wisconsin proposes to declare and pay American Natural a cash dividend of \$6,000,000. The effect of this dividend declaration and contemporaneous purchase of stock is to convert \$6,000,000 of retained earnings into common stock.

Michigan Wisconsin prior to June 19, 1956 had borrowed \$14,000,000 evidenced by notes due July 1, 1956, under a credit agreement theretofore approved by the Commission (File No. 70-3382). By order issued June 28, 1956 (File No. 70-3483) it obtained approval of a new credit agreement under which it could borrow up to \$25,000,000 on short-term bank notes, of which \$14,000,000 was to be used to pay the outstanding notes due July 1, 1956. The remainder was to be applied to the payment of costs of construction, estimated at \$12,500,000, of needed additional facilities to enable Michigan Wisconsin to deliver to its markets the additional gas which will become available upon completion of the new pipe line being constructed by American Louisiana Pipe Line Company, an associate company. The proceeds received from the proposed issue and sale of bonds will be used to retire the notes then outstanding under the new credit agreement and to provide the funds, to the extent not theretofore borrowed under the new credit agreement, required for such construction.

The proposed issue and sale of securities have been expressly authorized by the Michigan Public Service Commission, the State Commission of the State in which Michigan Wisconsin operates its natural gas storage business, and it is represented that no other regulatory authority except this Commission has jurisdiction over the proposed transactions.

The following estimated fees and expenses are to be incurred in connection with the proposed transactions:

|                                                     | New bonds      | Common stock  |
|-----------------------------------------------------|----------------|---------------|
| Federal original issue tax                          | \$27,500       | \$6,000       |
| Securities and Exchange Commission registration fee | 2,625          |               |
| Fees and taxes of various States                    | 21,000         | 3,200         |
| Counsel fees:                                       |                |               |
| Sidley, Austin, Burgess & Smith                     | 21,000         | 500           |
| Local counsel—10 States                             | 6,000          | 500           |
| Accounting fee of Arthur Andersen & Co.             | 4,000          |               |
| Trustee's fees and expenses                         | 11,500         |               |
| Fees of gas constituents                            | 7,500          |               |
| Printing                                            | 30,000         |               |
| Mortgage recording fees and expenses                | 7,000          |               |
| American Natural Gas Service Co.—services at cost   | 3,000          | 800           |
| Miscellaneous                                       | 3,875          |               |
| <b>Total</b>                                        | <b>145,000</b> | <b>11,300</b> |

The fee of Brown, Wood, Fuller, Caldwell & Ivey, independent counsel for the underwriters of the bonds, is estimated at \$13,500 and is to be paid by the purchasers of the bonds.

Due notice of the filing of the application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing thereon having been requested of or ordered by the Commission; and

It appearing that the applicable provisions of the act and the rules thereunder are satisfied, and the Commission observing no basis for adverse findings or the imposition of terms and conditions; and it further appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth herein; and the Commission deeming it appropriate in the public interest and the interest of investors and consumers that the application-declaration be granted and permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-6027; Filed, July 25, 1956;  
8:50 a. m.]

[File No. 70-950 etc.]

OHIO EDISON CO.

ORDER RELEASING JURISDICTION RESERVED  
WITH RESPECT TO AMENDMENT OF MORT-  
GAGE INDENTURE

JULY 20, 1956.

In the matter of Ohio Edison Company (File Nos. 70-950, 70-1036, 70-1905, 70-2334, 70-3155, 70-3367 and 70-3491).

Ohio Edison Company ("company"), a registered holding company under the Public Utility Holding Company Act of 1935 ("act"), has filed a request that the Commission release the jurisdiction heretofore reserved pursuant to Rule U-24 (c) (3) (A) promulgated under the act with respect to a proposed modification or amendment of its Indenture of Mortgage and Deed of Trust to Bankers Trust Company as Trustee, dated as of August 1, 1930, as heretofore amended and supplemented ("Indenture"). The Indenture as heretofore submitted to the Commission in connection with the Company's issuance of bonds under the Seventh to Twelfth Supplements, inclusive, provides at section 54A and 67 that

\*\*\* commencing with the Improvement Fund payment due May 1, 1953 and thereafter for so long as any bonds of the 1974 Series or of the 1975 Series are outstanding, no moneys deposited with the Trustee for account of the Improvement Fund may be withdrawn \*\*\* to reimburse the Company \*\*\* for expenditures incurred in acquiring, making or constructing unfunded property additions; [but such moneys may be withdrawn by the company in an amount

equal to the principal amount of bonds issued and outstanding hereunder and currently deposited with the Trustee for cancellation] \*\*\*

In order to withdraw cash from the Improvement Fund since May 1, 1953, the Company has followed the policy of purchasing from the underwriters, at the public offering price, bonds for deposit with the Trustee, thereby incurring substantial expense which it now wishes to avoid.

The Company therefore proposes, jointly with the Trustee, to execute a Thirteenth Supplemental Indenture to be dated as of August 1, 1956, which will amend section 54A aforesaid, by adding the following sentence:

Bonds authenticated and delivered by the Trustee to or upon the order of the company under and in accordance with any provisions of the Indenture shall thereupon be deemed to be "bonds issued and outstanding hereunder" for the purposes of this section 54A and of subdivision (2) of said section 67 and may be made the basis for the withdrawal by the company from the Trustee, pursuant to the provisions of and upon compliance with the provisions of subdivision (2) of said section 67, of moneys deposited with the Trustee for the account of the Improvement Fund, whether or not such bonds shall have been theretofore issued by the company or disposed of in any manner by it.

It is recited that the Supplemental Indenture will be executed pursuant to the authority vested in the company and the Trustee under section 115 (f) of the Indenture to execute curative and clarifying amendments.

The Commission being of the opinion that the proposed Supplemental Indenture will not affect the rights of the public or of any security holder, and that the jurisdiction reserved with respect thereto should be released:

*It is ordered*, That the jurisdiction heretofore reserved pursuant to Rule U-24 (c) (3) (A) with respect to the modification or amendment of the Indenture proposed in the Company's Thirteenth Supplemental Indenture aforesaid be and is hereby released.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-6028; Filed, July 25, 1956;  
8:51 a. m.]

[File No. 31-633]

LINCOLN CORP.

ORDER GRANTING EXEMPTION

JULY 19, 1956.

Lincoln Corporation ("Lincoln"), a holding company having filed with this Commission an application pursuant to section 3 (a) (3) of the Public Utility Holding Company Act of 1935 ("act") for an exemption for itself as a holding company, and for each of its subsidiaries as such, from the provisions of the act on the basis that it is only incidentally a holding company, being primarily engaged or interested in one or more businesses other than the business of a public-utility company and not deriving, directly or indirectly, any material part

of its income from any one or more subsidiary companies, the principal business of which is that of a public utility company; and

Due notice of the filing of the application for exemption having been given, and no hearing thereon having been requested of or ordered by the Commission; and

The Commission having examined the full record in respect of the application; and it appearing that the applicable standards of section 3 (a) (3) of the act are satisfied, and the Commission not finding that the granting of the exemption will be detrimental to the public interest or the interest of investors or consumers;

*It is ordered*, That Lincoln and its subsidiaries be, and they hereby are, exempted from the provisions of the act applicable to them as a holding company and as subsidiary companies thereof.

*It is further ordered*, That this order shall become effective upon its issuance.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 56-6020; Filed, July 25, 1956;  
8:49 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

FRIEDRICH AND ALFRED HOLY

#### NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

#### Claimant, Claim No., and Property

Friedrich Holy, Hagelingsgasse 1, Vienna XIV, Austria and Alfred Holy, 100A Burggasse, Vienna VII, Austria; Claim No. 12361; to each claimant, one-half (1/2) of the following: \$46.50 in the Treasury of the United States; and

All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege and power, and every right of whatsoever nature, including, but not limited to all monies and amounts by way of royalties, share of profits, or other emolument, and all causes of action accrued or to accrue relating to the compositions entitled "An Evening at Home," "Invocation" and "24 Easy Studies for the Harp," by Alfred Holy, as listed in Exhibit A of Vesting Order No. 1758, effective June 1, 1943, to the extent owned by Alfred Holy, immediately prior to the vesting thereof by Vesting Order No. 1758.

Executed at Washington, D. C., on July 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,  
Deputy Director,  
Office of Alien Property.

[F. R. Doc. 56-6030; Filed, July 25, 1956;  
8:51 a. m.]